

DEVELOPMENT CONTROL COMMITTEE

18 June 2015 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman Cllr. Thornton

Cllrs. Ball, Barnes, Bosley, Brown, Clark, Cooke, Edwards-Winsor, Gaywood, Hogg,
Mrs. Hunter, Kitchener, Layland, Lindsay, Parkin, Purves, Raikes and Miss. Stack

Pages

Apologies for Absence

1. **Minutes** (Pages 1 - 12)
To approve the minutes of the meeting of the Committee held on 28 May 2015, as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Chief Planning Officer's Report**
- 4.1. **SE/14/02075/FUL 98 - 116 London Road, Sevenoaks TN13 1BB** (Pages 13 - 38)
The demolition of the existing buildings and erection of a mixed use scheme which comprises a total of 60 residential units (C3) and an integral office element (B1)
- 4.2. **SE/15/00874/FUL 123 St Johns Hill, Sevenoaks TN13 3PE** (Pages 39 - 50)
Change of Use from A1 (shops) to A3/A5 use for restaurant and/or takeaway. Internal alterations.
- 4.3. **SE/15/00454/FUL Barn Cottage, Crouch House Road, Edenbridge TN8 5ED** (Pages 51 - 66)
Demolition of existing house, garage & outbuilding and erection of two 3 bedroom detached houses.
- 4.4. **SE/15/00358/HOUSE Willow Cottage, Dartford Road, Horton Kirby DA4 9JE** (Pages 67 - 74)
Conversion of existing garage to an annexe.

- 4.5. **SE/15/00808/FUL Land West Of Dairy House , Shoreham Road, Shoreham Sevenoaks TN14 7UD** (Pages 75 - 94)

Demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling

- 4.6. **SE/15/00912/HOUSE 12 Knole Road, Sevenoaks TN13 3XH** (Pages 95 - 106)

Demolition of existing garage and conservatory. Erection of a two storey front, side and rear extension (with one velux window to side elevation) and a single storey rear extension. Erection of a new porch.

- 4.7. **SE/15/01324/TELNOT Vodafone Ltd, Vodafone Communication Station, Telecommunications Equipment North Of 79 St Davids Road, Hextable, Kent** (Pages 107 - 116)

Installation of a dual user monopole radio base station accommodating 6no.antenna and 1no.dish.

EXEMPT ITEMS

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

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

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

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

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227247)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 15 June 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.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 28 May 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Bosley, Clark, Edwards-Winser, Gaywood, Hogg, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Raikes and Miss. Stack

Apologies for absence were received from Cllrs. Barnes and Cooke

1. Minutes

Resolved: That the minutes of the Development Control Committee held on 30 April 2015 be approved and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

Cllr. Gaywood and Mrs. Parkin declared for transparency purposes that they were trustees of Age Concern in relation to minute 6 - SE/15/0216/OUT - Meeting Point Day Centre Rural Age Concern, 27 - 37 High Street, Swanley BR8 8AE.

Cllr. Kitchener declared that he was a Member of Hextable Parish Council for minute item 7 SE-15-00045-HOUSE Nuffield Road, Hextable BR8 7SLand had been party to decisions of Hextable Parish Council but remained open minded.

Cllr. Layland declared that he was a Member of Edenbridge Town Council for minute item 4 - SE-14-03783-OUT Land North of Railway Line and West of St Johns Way, St Johns Way, Edenbridge TN8 6HF and had been party to decisions of Edenbridge Town Council but remained open minded.

3. Declarations of Lobbying

All Members except Cllr. Thornton declared that they had been lobbied in respect of minute item 4 - SE-14-03783-OUT Land North of Railway Line and West of St Johns Way, St Johns Way, Edenbridge TN8 6HF, and minute item 5 - SE/14/03298/FUL Dunton Green Faithworks, The Old Chapel , London Road, Dunton Green Sevenoaks TN13 2TB.

CHANGE IN ORDER OF AGENDA ITEMS

With the Committee's agreement the Chairman brought forward consideration of the following item:

4. SE-14-03783-OUT Land North of Railway Line and West of St Johns Way, St Johns Way, Edenbridge TN8 6HF

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The proposal was 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.

It had been referred to Committee at the discretion of the Chief Planning Officer, due to the scale of the development and wider public interest.

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:	Veronica Cronin
For the Application:	Robin Buchanan
Parish Representative:	Parish Cllr. Trevor Bryant
Local Member:	Cllr. Scholey

Members asked questions of clarification from the speakers and officers especially in relation to drainage, highways movements and density. Officers referred to information already contained within the report.

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 application and expressed particular concern in relation to the proposed density and as a direct result the increased vehicle movements on St Johns Way and Enterprise Way and detrimental impact on highway safety. Members discussed density numbers commenting that as the site did not include the land at Hampsell Mead Farm, then pro rata the site should only be considered for up to 254 units. Members were advised that they could only consider the application before them which was for up to 300 units.

The motion was put to the vote and it was lost.

The Chairman moved and it was duly seconded that the application should be refused as by virtue of its density would be contrary to ADMP Policy H1(p) and be out of character with the neighbouring residential area of St. John's Way. The resultant traffic from the excessive density would be detrimental to the amenities occupiers of properties in St John's Way could reasonably expect to enjoy and lead to an unacceptable conflict between vehicles and pedestrians seeking to use the existing open space contrary to ADMP Policy EN2. The proposed scheme also made no provision for a contribution towards the Council's Affordable Housing initiative and nor had it been demonstrated that such a contribution would render the scheme unviable. The scheme was therefore contrary to the provision of Policy SP3 of the Sevenoaks Core Strategy.

Having listened to Members' concerns in relation to highways safety the Kent Highways Services Officer advised that he was confident that the figures provided were robust and would not form a defensible reason for refusal.

Cllr. Miss. Stack strongly disagreed with the advice from Kent Highways Services requesting that this be formally minuted.

The motion was put to the vote and it was

Resolved: That the outline planning permission be refused on the following grounds

- 1) The proposed development by virtue of its density would be contrary to ADMP Policy H1(p) and be out of character with the neighbouring residential area of St. John's Way. The resultant traffic from the excessive density would be detrimental to the amenities occupiers of properties in St John's Way could reasonably expect to enjoy and lead to an unacceptable conflict between vehicles and pedestrians seeking to use the existing open space contrary to ADMP Policy EN2.
- 2) The proposed scheme makes no provision for a contribution towards the Council's Affordable Housing initiative and nor has it been demonstrated that such a contribution would render the scheme unviable. This scheme is therefore contrary to the provision of Policy SP3 of the Sevenoaks Core Strategy.

Unreserved Planning Applications

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

5. SE/14/03298/FUL Dunton Green Faithworks, The Old Chapel , London Road, Dunton Green Sevenoaks TN13 2TB

The proposal was for 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.

It had been referred to Committee by the Chief Planning Officer due to the sensitive and complex nature of the site's planning history.

Members' attention was brought to the main agenda papers.

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

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

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

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- 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.

6. SE/15/0216/OUT - Meeting Point Day Centre Rural Age Concern, 27 - 37 High Street, Swanley BR8 8AE

The proposal was for 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.

It had been referred to Committee because the application site was owned by the 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 authority be delegated to the Chief Planning Officer to

- a) grant planning permission subject to the conditions below , subject to the completion of a S106 Agreement making provision for affordable housing within 3 months of the date of this meeting -

- 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.

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.

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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.

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

- b) refuse planning permission if a S106 agreement as detailed in (a) above, is not signed within 3 months of the date of this meeting for the following reasons –

‘The proposed scheme makes no provision for affordable housing and would therefore be contrary to the provisions of the NPPF, Policy SP3 of the Core Strategy and the SPD on Affordable Housing.’

The Committee considered the following planning applications:

7. SE-15-00045-HOUSE Nuffield Road, Hextable BR8 7SL

The proposal was for a two storey side extension. It had been referred to Committee by Councillor Mrs Morris to discuss the impact upon the character and amenities of the area.

Members’ attention was brought to the main agenda papers and the late observation sheet which amended the report before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Mr Varnham
For the Application:	Mr Derek Evans
Parish Representative:	-
Local Member:	Cllr. Mrs. Morris

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 to grant planning permission subject to conditions be agreed.

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

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

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

- 2) The materials to be used in the construction of the 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 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,

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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.

8. SE-15-00240-FUL Land North of Ivy Cottage , Stonehouse Road, Halstead TN14 7HN

The proposal was for demolition of the existing garage and the erection of a new detached chalet bungalow on the land adjacent to Ivy Cottage.

It had been referred to Committee by Councillor Williamson who considered 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. He further added that he had thought it prudent for consistency and transparency to bring the application forward to Committee.

Members' attention was brought to the main agenda papers before the Committee.

The Committee was addressed by the following speakers:

Against the Application: Mr John Evans
For the Application: -
Parish Representative: -
Local Member: -

Members asked questions of clarification from the speakers and officers. The case officer confirmed that the errors highlighted by the speaker did not affect the consideration and the recommendation.

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

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

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

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

- 2) 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 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.

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- 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.

THE MEETING WAS CONCLUDED AT 9.10 PM

CHAIRMAN

4.1 – SE/14/02075/FUL Date expired 7 October 2014

PROPOSAL: The demolition of the existing buildings and erection of a mixed use scheme which comprises a total of 60 residential units (C3) and an integral office element (B1)

LOCATION: 98 - 116 London Road, Sevenoaks TN13 1BB

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

Councillor Fleming has referred the application to Development Control Committee for reasons including impact on the Conservation Area, intensification of use of the site, design and appearance, appropriateness of the redevelopment, density of development, loss of an employment site, and lack of affordable housing provision

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

The proposal fails to make provision for 40% affordable housing and is therefore contrary to Policy SP3 of the Sevenoaks District Core Strategy and the Sevenoaks Affordable Housing Supplementary Planning Document. The Council does not accept the applicant's valuation which is based on an alternative land use value because there is no certainty that an alternative land use would be an acceptable reuse of the application site.

The proposal would result in over-development of the land because it would create a dominant and oppressive effect upon No.118 London Road due to loss of sunlight and daylight and overlooking. This conflicts with policy EN2 of the Sevenoaks 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 with applicants/agents in a positive and proactive manner, by;

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

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- 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/agent was informed of the council's concerns and how they could be overcome but amendments were not received.

Description of Proposal

- 1 Permission is sought for *the demolition of the existing buildings and erection of a mixed use scheme which comprises a total of 60 residential units (C3) and an integral office element (B1).*
- 2 The residential element contains a mix of 1, 2 and 3 bed apartments with 61 residential parking spaces.
- 3 In addition to the residential units, the scheme provides 915sqm of office space set to the east of the building on the upper ground floor. This purpose built modern office space will provide space for approximately 81 full time jobs (fte) jobs and 36 parking spaces have been allocated for the office use.
- 4 The proposal creates a single vehicular access point from London Road, incorporating 97 car parking spaces in total on the lower ground floor level. The car parking spaces will be accessed via a shallow ramp. The scheme responds to the levels along London Road with pedestrian access points and front doors along this frontage.
- 5 The site utilises the topography of the land and the variation in levels to accommodate the undercroft parking element of the scheme. The majority of the proposed building sits above this basement level car park set into the site. The frontage along London Road is predominantly 4 storeys, including a set-back and mansard roof level, above the basement level car park. There is a small section which is only 4 storeys, without basement level, adjacent to No. 118 London Road. The proposed building also steps down to 4 storeys, without basement level, adjacent to No. 120 A London Road. The lowest floor is set into the site and effectively reads as 3 storeys when viewed from No. 120A.
- 6 The front elevation central portion of the building is set back from the site frontage, which, along with the materials proposed, is intended to, create the appearance of three physically separate building elements and break up the appearance of bulk within the streetscene.
- 7 The 'attic level' is set back and shown as a mansard roof. The building includes gable features which provide a hierarchy to the building, and also bay window and balcony detailing. The building is shown as constructed using brick, render and stone detailing. The use of materials are intended to accentuate the definition of separate elements, and the scheme draws on the form of mansion apartments. A communal courtyard garden is shown at the rear of building, giving occupants of the building access to outdoor space.
- 8 The trees to the rear of the site (within the gardens of the residential properties along The Drive) are protected through their location within The Vine Conservation

Area, and the proposed building is set back from this boundary edge to allow sufficient space for the existing tree protection. An Arboricultural Survey has been submitted to demonstrate that the proposal will not impact upon the existing trees.

- 9 The site frontage is shown as treated with ornamental shrub planting and evergreen hedging. To the rear of the building is a communal garden, which partially consists of a deck over the basement. Changes in level, raised planters and a water feature facilitate and conceal venting to the underground car park and provide an avenue of small trees.
- 10 To the rear of the site are existing boundaries to adjacent rear gardens and existing tree planting associated with those gardens. To the north east and western boundaries, evergreen hedging provides soft screening treatment with ivy carpet planting to the embankments.
- 11 The proposal is set back from the existing boundary at varying distances as the proposed building line is pulled back, both for a 'central' courtyard area, and also at the northern end of the site.
- 12 The proposed development sits 1.8m to the side boundary with the plot on which there is an adjacent consented scheme – No.94-96, and 1.4m to the side boundary with No.118, maintaining a 4.4m gap with the building itself. To the rear of the site, the proposal sits at varying distances from the boundary ranging from 4.5m to 3.8m at the closest point.
- 13 The proposed development at its highest point – the central element - facing London Road sits at 15.8m, and owing the changing land levels and variations in the height of the building, reduces down to a minimum of 13m. At the rear of the development, the heights range from 8.9m – where it backs on to 43 The Drive – to 12.6m. It would sit 0.7m lower within the streetscene than the highest point of the scheme approved at appeal at the adjacent site – No.94-96. The proposal steps down in height from the central element to meet the 3 storey building on the other side of the site – No. 118. The highest point of the gable on the end element of the proposal would sit approx. 2.8m higher than the adjacent No118, and at an equal height from the eaves of the proposal to the overall ridge height of No.118.
- 14 To the rear of the site where the proposal would back on to the properties on the Drive, the proposal would sit at 3 storeys plus accommodation in the roof. At this elevation, the height of the development proposed would present as between 12.4m and 12.7m. The point where the development would sit closest to the rear of The Drive would be 2 storey (with accommodation in the roof), and 8.8m in height
- 15 All the closest first and second storey windows in the elevation facing towards the rear of the Drive are shown as obscurely glazed.

Description of Site

- 16 The site falls within the designated Sevenoaks Town Centre and London Road Business Area. It fronts onto London Road, approximately 50 metres north of the junction with Pembroke Road. The site is surrounded by a mix of commercial and residential buildings. To the south-east is the Bentley dealership. The adjacent

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hardstanding area has planning permission for a four storey development comprising of 14 residential units with a maximum height of 14m. To the north east, the site abuts the rear gardens of residential properties in The Drive.

- 17 To the north-west of the site is No. 118 London Road which is a three storey property containing retail on the ground level with flats above. Beyond London Road, to the south-west, there are two and three storey buildings with a combination of retail and residential.
- 18 The character of this section of London Road is a mixture of styles and periods of varying heights. On the southern side of London Road, opposite the site is a Grade II Listed building (125 London Road) and within the vicinity of the site is the Sevenoaks Granville & Eardley Road Conservation Area to the south-west and The Vine Conservation Area, which abuts the northern boundary.
- 19 The site itself has a frontage of 65 metres and depth of 46 metres. It slopes steeply with a 3 metre rise from front to back and a 2.5 metre rise from north to south. The parcel of land is laid to hard surface with a significant proportion of the site containing large industrial/commercial buildings of between 2 and 4 storeys.
- 20 Most of the site is currently occupied by the printing company J. Salmon Ltd. There are currently two main red brick buildings on this section of the site. The building fronting London Road comprises an early 20th Century detached 3 storey property. There are single and two storey additions to the rear of the building. There is a larger building to the rear of the site which comprises a workshop and storage facilities.
- 21 The buildings house the print works, sales office, stock warehousing and despatch operations but the applicant claims that due to the disjointed multi-level layout of the existing buildings and the competitive nature of the publishing business, the current site within the town centre is no longer fit for purpose and that their relocation would ensure the future prosperity of the company as a more suitable site would better serve the ongoing business needs, in terms of both building configuration and vehicular servicing.
- 22 The second part of the site (no. 116) comprises two industrial buildings, which are two storey red brick and painted render, set back to the rear of the site. These buildings are used for office and warehousing. Fronting these buildings is a parcel of land laid to hard surface. This area is used for car parking and a hand car wash business. There are currently four vehicular access points to the site, an entrance and exit points to the Auto Sportiva site at no.116 and two entrances to the printing works at no.98.
- 23 The site is in a sustainable town centre location, with bus stops located immediately in front on London Road, and the railway station in close proximity.

Constraints

- 24 Allocated Employment Land

Policies

Core Strategy

- 25 Policies - L01, L02, L03, SP1, SP2, SP3, SP7.

ADMP

- 26 Policies SC1, EN1, EN2, EN4, EMP1, TLC1, T1, T2.

Other

- 27 NPPF
- 28 Affordable Housing SPD
- 29 Sevenoaks Residential Character Area Appraisal

Relevant Planning History

- 30 None

Consultations

Sevenoaks Town Council

- 31 Sevenoaks Town Council recommended approval.

SDC Recycling and Refuse Services

- 32 SDC Recycling and Refuse Services have advised that following the submission of an amended refuse /recycling strategy and plans, which have now been accepted as amendments, they are supportive of the proposal. The plans would be conditioned as part of any approval.

SDC Arboricultural Officer

- 33 SDC Arboricultural Officer has advised that, following the submission of additional information, and visiting the site, it is clear that pruning of the trees towards the boundary line, and away from the proposed north eastern elevation of this proposal would be acceptable. There will remain a situation where tall trees are near to a residential development but there is a suitable pruning proposal that will allow a suitable distance between living space and trees.
- 34 There is a proposal to plant a line of semi mature Holly trees along the north eastern boundary within a raised 1 metre wide bed, which is proposed to be created as part of the development but the officer considers it a better option for the applicant to negotiate with the adjacent residents to carry out an agreed planting scheme within the rear gardens of The Drive, which should be near to the south western boundaries of those properties. There will be natural light blockage in differing degrees to differing parts of the proposal although a suitable pruning option is available to deal with this.

SDC Planning Policy

- 35 SDC Planning Policy have advised that the ADMP does not identify this site as a potential housing development. It is not the case that all sites within the towns and larger villages in Sevenoaks District should be seen as suitable for housing development. Other local and national policies, such as the protection of business land, need to be taken into account.

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- 36 Overall it is considered that the potential of the new office floorspace to provide the same level of employment as that currently on site is a significant material consideration to consider alongside the floorspace loss and on balance no objection is raised to the loss of business floorspace provided the retention of the office floorspace and its associated car parking is maintained by condition
- 37 With regard to density, planning policy have advised that the supporting text to Policy SP7 makes it clear that the overriding consideration is the design of the development rather than the achievement of the density figure. Policy SP7 does not consider densities higher than 75 dwellings per hectare. However, the figures in the policy are usually read as minimum requirements in order to boost supply, in accordance with para 5.3.30 of the Core Strategy, which refers to how the efficient use of land in urban areas helps to protect the countryside, and the NPPF, which identifies the effective use of land as a key planning principle. Notwithstanding this, it is clear that the key requirement in the policy is how it performs against the criteria on design and character rather than how it performs against the density figure. The assessment of the appropriateness of the design of the development is a matter for the Development Control team.
- 38 The provision of 9 units of affordable housing is substantially less than the requirement for 40% in Core Strategy Policy SP3 and is contrary to the policy, unless it can be demonstrated through an independent viability assessment that this is the maximum provision that would be consistent with achieving a viable development. The potential purchase price suggested for the site is excessive compared with other comparable policy compliant developments.

SDC Environmental Health

- 39 SDC Environmental Health have advised that regarding air quality, the findings of the submission are acceptable. The mitigation measures proposed in section 6 of the Entran Limited Air Quality Assessment E1132 dated 30/05/14 should be required to be undertaken by way of condition.
- 40 In respect of the Geo-environmental assessment, the applicant should be required to submit details of any proposed mitigation measures and a validation report detailing remediation measures and importation of soils and will include details of waste soils and spoil removal and certification of imported soils. This could be dealt with by condition.
- 41 The acoustic assessment has indicated areas of concern regarding noise exposure for future residents of the proposed dwellings. The applicant should be required by condition to give specific details of proposed attenuation measures to ensure that amenity space is not subject to noise levels greater than 50 dB LAeq16Hr The protection measures for each habitable room, both glazing and acoustic ventilation should be detailed to comply with the good standard in BS 8233:2014.

Kent Highway Services

- 42 Kent Highway Services have advised that the number of office car-parking spaces compares favourably with the recommended maximum specified in the Kent Vehicle Parking Standards. The nearside of the road outside the development has double-yellow line waiting restrictions which will deter any potential overspill parking here. The estimates show a reduction of about 4 trips in the evening peak

period (17:00-18:00). The morning increase is not of sufficient magnitude to justify an objection on Highways grounds under the National Planning Policy Framework. Concern has been raised that the proposals show no pedestrian visibility splays at the access onto Tubs Hill and it is requested that the plans be amended to provide at least a 2 metre x 2 metre pedestrian visibility splay to the south-east of the access, measured relative to the back of the footway. This is to maintain pedestrian safety and could be required by condition.

43 If the application is granted planning permission, the following planning conditions are requested:

1) amendment of the access to provide the 2 metre x 2 metre pedestrian visibility splay

2) the submission and approval of a construction management plan to provide details of deliveries, lorry routes, parking and wheel washing during construction, and also stipulating that during demolition and construction of the development, lorries should not reverse into or out of the site except under supervision of a banksman;

3) The applicants must remove the redundant vehicle crossovers currently serving the site, and restore to full-height kerbs according to plans to be agreed with the Highway Authority as part of Section 278 Works.

Natural England

44 Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

45 The standing advice relating to protected species does not indicate that any are likely to be affected by the development.

46 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. Measures should be secured to enhance the biodiversity of the site. This could be dealt with by condition.

SDC Parking and Engineering

47 SDC Parking and Engineering have advised that the residential properties would not be eligible to join the existing on-street permit parking scheme in London Road. This could be dealt with as an informative on any permission.

Kent Fire and Rescue

48 Kent Fire and Rescue have advised that the means of access is considered satisfactory.

KCC Ecology

49 KCC Ecology have advised that an *Ecological Appraisal* report has been submitted in support of the application and that they are satisfied that the ecological survey work has been undertaken to an appropriate standard and advise that, as

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concluded within the report, no further ecological survey work is required to inform the determination.

Thames Water

- 50 Thames Water have advised that it is the responsibility of the developer to make proper provision for drainage. Where it is proposed to connect to a public sewer, prior approval from Thames Water is required. This can be dealt with an informative.
- 51 Thames Water are unable to determine the waste water infrastructure of the proposal and as such, have recommended that a condition be imposed requiring drainage details to be submitted prior to the commencement of development.

Representations

- 52 48 representations of objection have been received, including from the Sevenoaks Conservation Council and the Sevenoaks Society. A petition signed by 12 local residents has also been submitted. The following points have been raised:

- The bulk, density and height of the proposal will appear as excessive
- The rear wings are too high
- The height and bulk and siting will have a detrimental impact on neighbouring amenity resulting in a loss of privacy amenity and light.
- The use of the site will cause disturbance to residential amenity
- The proposal will provide an unacceptable level of amenity for future occupiers with no garden or amenity space or daylight to the rear of the building
- The height and bulk of the building will be harmful to the Vine conservation area
- The design and architectural treatment of the proposal is bland and mediocre
- The bulk will appear as overbearing in the streetscene
- The level of affordable housing offered is inadequate
- Apartments will have inadequate access to storage
- The level of housing provision will result in overburdening of London Road with traffic.
- The parking provision is inadequate.
- The scheme will cause parking problems in the locality
- The additional traffic will cause air pollution
- The water table may not be able to cope
- The scheme would endanger a number of protected trees that serve as a belt between the rear of the Drive and London Road.
- There is a lack of open space throughout the development

- Construction will result in a temporary loss of amenity through noise dust and disruption
- The construction will cause structural damage to neighbouring dwellings

Chief Planning Officer's Appraisal

53 The main issues for consideration of this planning application are:

- The principle of development
- Affordable housing provision
- Design and Appearance
- Heritage Asset
- Amenity impact
- Highway implications
- Other matters

Principle of Development

- 54 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. The Sevenoaks urban area (the site is located within the Sevenoaks Urban Confine as noted in Figure 3 of the Core Strategy) will be the principle focus for development in the district in accordance with Policies LO2 and LO3.
- 55 Policy LO2 of the Core Strategy details the Council's aspiration for development in Sevenoaks. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.
- 56 Policy LO3 of the Core Strategy states that a mix of uses will be retained and enhanced within the town centre. The historic form and character of the town centre will be maintained. New development in the town centre should be of a scale consistent with the existing character of the centre and should contribute to improving the quality of the town centre environment.
- 57 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 58 Policy SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the LDF will be approved without delay unless material planning considerations indicate otherwise.

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- 59 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 60 The application site is a sustainable location and therefore, subject to compliance with other local plan policies, it is considered that the site is an acceptable location in principle for a mixed use development scheme incorporating office and residential use.
- 61 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.
- 62 Policy SP8 states that *'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.
- 63 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 64 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas.
- 65 One of the three roles that the NPPF identifies that the planning system should play in contributing towards the achievement of sustainable development is described in the NPPF as:
- "an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure"*
- 66 Paragraphs 18 and 19 of the NPPF state
18. *The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*

19. *The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*

67 Paragraph 22 of the NPPF states

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

68 Policy EMP1 of the ADMP requires that the site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

69 The proposed development site forms part of the London Road employment land allocation in Sevenoaks. It is subject to policy SP8 of the Sevenoaks District Core Strategy and EMP1 of the ADMP. The approach in these policies is consistent with para 22 of the NPPF.

70 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

71 As noted in the planning policy comments the ADMP does not identify this site as a potential housing development. It is not the case that all sites within the towns and larger villages in Sevenoaks District should be considered as suitable for housing development. Other local and national policies, such as the protection of business land, need to be taken into account.

72 The proposal represents a significant reduction in commercial floorspace from 2,794 sqm to 915 sqm. This suggests that the employment capacity of the site represented by the commercial floorspace would not be maintained. This would result in one of the tests for considering mixed use development in the Core Strategy not being met.

73 The site is currently used for a combination of B1, B8 and sui generis uses. An analysis of the type of floorspace in current use shows that 2,394 sqm is in general industrial use (B2) and 400 sqm in office use. Because of the poor layout of both parts of the site – the B8 element, and the B1 element, it has been satisfactorily demonstrated that it would be difficult to justify a refurbishment of the existing buildings as they would not be able to accommodate an acceptable

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employment capacity. In addition to this, planning permission would need to be obtained for the use of the sui generis car wash as parking to facilitate the offices.

- 74 The existing printers supports 37 full time jobs and it is estimated that it could accommodate a maximum of 40. The car wash currently accommodates 5 full time jobs, and is considered to be a realistic future employment capacity of the site as is. The office space which is not currently let but it is estimated that it could accommodate 28 full time jobs.
- 75 SDC Planning Policy has advised that general industrial floorspace has a lower employment density than offices. The applicants have shown that the existing industrial floorspace is not laid out in a way that meets modern needs, limiting its capacity to meet the theoretical employment density for general industrial floorspace. The applicants have suggested that the new development could support 81 office jobs (fte) compared with an equivalent of 73 from the existing floorspace. The inclusion of 36 car parking spaces which are not currently available on the existing site thereby hindering its attraction, should better enable the new office accommodation to be attractive to businesses and deliver the employment forecast.
- 76 Overall it is considered that the potential of the new office floorspace to provide the same level of employment as that currently on site is a significant material consideration to consider alongside the floorspace loss. Subject to compliance with other planning policy requirements, the loss of business floorspace could be supported through the provision of the office floorspace and its associated car parking could be maintained by condition.
- 77 Policy S7 of the Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, within Sevenoaks and Swanley town centres, as defined under policies LO3 and LO5, new residential development will be expected to achieve a density of 75 dwellings per hectare.
- 78 Policy SP7 does not consider densities higher than 75 dwellings per hectare. However, as advised in the planning policy comments, the figures in the policy are usually read as minimum requirements in order to boost supply, in accordance with para 5.3.30 of the Core Strategy, which refers to how the efficient use of land in urban areas helps to protect the countryside, and the NPPF, which identifies the effective use of land as a key planning principle. Notwithstanding this, it is clear that the key requirement in the policy is how it performs against the criteria on design and character rather than how it performs against the density figure.
- 79 The density of the development is 182 dwellings per hectare. In comparison, development of a high density was found to be acceptable on the more constrained 66 London Road site (183 dwellings per hectare in the 12/01611/FUL application), and also on the Farmers site outside of the town centre, recently granted at appeal (166 dwellings per hectare), and on the adjacent site (at 149 dwellings per hectare).
- 80 In the case of the application site, because of the large expanse of frontage, the levels of the site, the encouragement of higher scale development in the character assessment, and the high density of development as approved in the vicinity, the density proposed is appropriate and considered to reflect the

character and density of development locally. The higher density proposed reflects the central location of the site within the built confines and within the town centre and the scale of the existing and surrounding buildings. It is appropriate in the context of this site and taking account of the character of the area and would represent an effective use of the site to meet the aspirations of local planning policy

Affordable Housing Provision

- 81 Core Strategy Policy SP3 identifies that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing subject to scheme viability. In residential developments of 15 dwellings or more gross, 40% of the total number of units sought will be affordable.
- 82 The Affordable Housing SPD states that where a developer or landowner considers that there are significant constraints affecting a development that would be sufficient to jeopardise or prevent them from meeting the Council's affordable housing targets, this would need to be demonstrated to the Council. The Council will adopt an 'open book' approach to this assessment and the developer/landowner will be expected to provide all relevant financial and other information behind the appraisal to enable the Council and/or independent valuer on the Council's behalf to assess the nature, extent and impact of the constraints upon the viability of the scheme. If, following the appraisal process it is considered that genuine economic constraints have been demonstrated in providing the required level of affordable housing, or financial contribution, the Council will expect the developer to fully explore options available to either achieve economic viability or to make a reduced housing/financial contribution. If the Council concludes that the scheme is economically viable and if the affordable housing requirement is not met, this could lead to the application being refused.
- 83 The applicant has provided a financial viability assessment which demonstrates that the scheme cannot viably provide any affordable housing based on the price that they have proposed to pay for the land along with the other development costs of the site. However, they have offered, despite this, to make an offer of 9 one bed shared ownership affordable homes (15% of the 60 apartments).
- 84 The financial assessment submitted includes an alternative land use value for the site as part of a mechanism for valuing the site for the purposes of the financial appraisal. In response to this, and further information that the applicant has submitted, the Council have taken legal advice from Counsel and viability advice from its independent financial viability advisor.
- 85 The advice received from Counsel states that both the NPPG and the RICS guidance refer to the need for clarity before an alternative use value is adopted. In this instance, without taking a proposal for an alternative use through a planning application, it is unclear as to whether the alternative use is acceptable. Counsel advises that *'if the Council feels that the position is unclear in the absence of the submission of a planning application then it could form the view that it should not take the alternative use value as the value of the land.'*
- 86 RICS guidance states that site value should equate to the market value subject to the Assumption *'that the value has regard to development plan policies and all*

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other material planning considerations and disregards that which is contrary to the development plan'

- 87 There is no certainty that an alternative land use would be an acceptable reuse of the application site without any application being made and as such, an alternative land value cannot be accepted.
- 88 The Council's independent viability advisor has stated that *'one method of assessing Site Value that is recognised by RICS GN is taking the Existing Use Value and adding a premium reflecting the margin that the land owner would require to persuade him to sell the property.'*
- 89 The Council's independent viability advisor has carried out an appraisal of the land on a policy compliant scheme with 40% housing in order to establish the residual land value with the policy compliant amount of affordable housing. The appraisal carried out shows a Residual Land Value which is below the Alternative Use Value that has been produced by Berkeley Homes *'but it is at a level that means that all of the policies of the Council can be fulfilled and, it is our opinion, that this is above the existing use value for the site and therefore would provide a sufficient incentive for the land owner to sell.'*
- 90 The independent viability assessment concludes that an appropriate value of the site is £1,873,517 which differs significantly from the value suggested by the applicant in their viability documents.
- 91 The independent viability assessment states that *'it should also be noted that Berkeley Homes haven't yet bought the site. It is considered that the landowner therefore needs to reduce the cost of the land bearing in mind that any developer has to make a full 40% provision. This has been a known fact for a significant amount of time, and all through the pre app process.'*
- 92 SDC Planning Policy have assessed comparable market values for policy compliant schemes in the District and have estimated that on this basis, on this, the appropriate value for the land is approx. £1.7m.
- 93 The independent viability assessment concludes *'It is our opinion that the scheme can provide the 40% affordable housing that the Council require. The final amount paid to the landowner needs to reflect this policy compliant position.'*
- 94 This does not represent a genuine economic constraint which would justify non provision of policy compliant affordable housing.
- 95 As the submitted figures currently stand, the proposal does not accord with SP3 of the Core Strategy as the applicant has failed to demonstrate genuine economic constraints which would prevent the affordable housing provision being made

Design and Appearance

- 96 Policy SP1 of 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. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment. The Districts heritage assets and their settings will be protected and enhanced.

- 97 Policy EN1 of ADMP states that proposals which would create high quality design will be permitted subject to a number of design criteria including that the form of the development should respond to the scale, height, materials and site coverage of the area; the layout of the proposal would respect the topography and character of the site; the proposal would not result in the loss of open spaces that would have an unacceptable impact on the character of the area; the design of new buildings should be permeable and provide connectivity with neighbouring areas; and would create a safe and secure environment.
- 98 Policy EN4 of the ADMP states that proposals which affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 99 Paragraph 57 of the NPPF states that 'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'
- 100 Paragraph 60 of the NPPF states that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'
- 101 Paragraph 63 states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'
- 102 The site falls within designation 001 of the Sevenoaks Residential Character Area Assessment. The assessment considers that within the general area '*houses, retail and offices mix to produce a distinct character area. The area is characterised by piecemeal development and redevelopment can result in an area that is very mixed in terms of the age, use, layout, design and materials of buildings*'.
- 103 More specifically around the application site, it comments that '*the commercial nature and scale of properties increases at the node of London Road, Pembroke Road and Eardley Road. The groups of buildings are generally around three stories in height with shops and business premises in the ground floor and residential units above. The Victorian properties are set to the back edge of pavement, giving a greater sense of enclosure. The gable fronted three storey properties on the north west side of the road (above left) emphasise this scale and enclosure. Red brick and white render predominate.*'
- 104 The assessment considers that, with regard to the Bentley garage and the neighbouring forecourt, '*the scale, design and materials of the single storey garage building and open forecourt are out of keeping with the greater scale at the node of London Road, Pembroke Road and Eardley Road.*'
- 105 The assessment considers locally distinctive positive features to include the increased scale and enclosure of properties at the node of London Road, Pembroke Road and Eardley Road, the consistent use of red brick, tile hanging, half timbered/ white render and gable fronted designs, individual trees and

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hedges which complement the properties and enhance street scene, and long views of the North Downs. Design guidance reflects this.

- 106 The existing buildings do not make a positive contribution to the locality and do nothing to preserve or enhance the character of the nearby conservation areas. Their removal would be beneficial to the locality. The introduction of a developed frontage would enhance the streetscene and provide a more cohesive frontage.
- 107 The front elevation of the building proposed, although of a significantly greater extent of built form than surrounding development, has been designed and detailed so that it does not appear overbearing or oppressive within the streetscene. The front elevation central portion of the building is set back from the site frontage, which, along with the materials proposed, successfully creates the appearance of three physically separate building elements and breaks up the appearance of bulk within the streetscene. The views along the site would, as a result, be of a less imposing series of developments of subtly varied design and heights which would harmonise through the use of materials which are sympathetic to the locality. The provision of balconies and bay windows along with stone insets, and gable features assist in the softening of the frontage and the creation of a hierarchy of development along the street frontage.
- 108 The development within the roof is set back and would appear as a mansard roof rather than an additional storey of accommodation. This assists with the integration of the development into the existing streetscene in terms of height. The building is shown as constructed using brick, render and stone detailing. The use of materials accentuate the definition of separate elements,
- 109 The trees to the rear of the site (within the gardens of the residential properties along The Drive) are protected through their location within The Vine Conservation Area, and the proposed building is set back from this boundary edge to allow sufficient space for the existing tree protection. An Arboricultural Survey has been submitted to demonstrate that the proposal will not impact upon the existing trees.
- 110 The site frontage is shown as treated with ornamental shrub planting and evergreen hedging which softens the frontage and would result in an improved streetscene in comparison to the existing hard frontage that currently presents.
- 111 The proposal accords with the guidance contained within the Sevenoaks Residential Character Area Assessment as it proposes an increased enclosure and scale at an appropriate location. The mansion block design would appear as a modern interpretation of the Edwardian buildings which can be seen within the immediate locality and includes red brick, white render and gable fronts to this affect.
- 112 The storey heights of properties along London Road vary considerably and are higher around the junction with Pembroke Road. London Road slopes up from North to South and properties therefore step up the hill with roofs being visible as you look downhill. The tallest blocks on London Road are a 6 and 10 storey apartment block located near the Railway Station although the Character Area Assessment considers these to be overly high for the area. Properties at the rear of the site along The Drive are predominantly 2.5 storeys with accommodation in the roof space. These properties are set at a higher level from the site with a large level drop and retaining wall between their back gardens and the site.

- 113 The stepped height of the proposal would accord with the change of heights of development along the streetscene. It would represent a greater bulk and mass than currently on site, but brought forward onto the site in an acceptable manner that would create a more consistent frontage and be of benefit to the streetscene. The built form would address the current erosion of the streetscene and instate a relationship between the site and the route through the town centre. The proposal would fit harmoniously and congruously into the existing street scene and would appear as a congruous form of development, tying the street frontage together and replacing an existing piecemeal site with a well designed and high quality development. The proposal would improve the quality of the local environment, and respond to the local character of the area in which it is situated. The increased height and bulk on the site would be consistent with the location and presence of the site in the town centre.
- 114 The provision of landscaping and open space within the scheme would be of benefit to the site and would soften its appearance within the streetscene compared with its current appearance. The styling and detailing of the building would be in harmony with its locality and shows materials and detailing a high quality that would respond to the character and distinctiveness of the area.
- 115 The appearance and design of the building would accord with Policy SP1 of Core Strategy, EN1 and EN4 of the ADMP, and the NPPF.

Heritage Assets

- 116 Special regard has been given to the preservation of the significance of the nearby listed buildings and the conservation areas, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is acknowledged that in this context 'preserving' means doing no harm and significant weight is attached to this. The starting point in assessing any proposal involving a listed building or conservation area is therefore that works and development which would cause harm should be refused
- 117 On the South side of the road sits a grade II listed house – 125 London Road. The front garden of the dwelling contains dense planting which shields the frontage from the main road. There is limited visibility between the application site and the listed building. The immediate surroundings of the site consist of residential dwellings which have a neutral impact on the heritage asset. It is considered that the proposal would cause no harm to it, owing to its existing surroundings, dense planting and the intervening road between.
- 118 Further to the west of the site and also on the opposite side is 141-151, a row of Grade II listed cottages. These are also set back from the road and sit on the other side of London Road. It is considered that like other development in its vicinity, the proposal would cause no harm to it, owing to the intervening main road, the distance from the asset and the sloping topography.
- 119 The northern boundary of the site adjoins the Vine Conservation Area although visibility from the site to the conservation area is obscured by a belt of trees. The Granville and Eardley Road Conservation Area sits further to the west although this is separated from the site by the London Road
- 120 The proposed scheme would have minimal impact upon the significance of The Vine Conservation Area. Because of the location of the development away from

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the boundary along with the existing tree planting, the visibility between the two areas would be less than significant, and the proposal would not have an overly dominant impact on the conservation area. Although the development would be visible from within the conservation area, it is designed to a high quality using appropriate materials, and would therefore cause minimal harm to the heritage asset.

- 121 The distance between the Granville and Eardley Road Conservation Area and the application site, along with the intervening busy road, and the lack of visibility between the two areas means that the proposal would not cause harm to the conservation area and would not have a significant impact on the heritage asset in accordance with EN4 of the ADMP.
- 122 No harm would result from the development to the listed buildings, and less than substantial harm would result from the development to the conservation areas.
- 123 The harm to The Vine Conservation Area would result from the erection of a new building that would be visible from within the conservation area. Whilst attaching significant weight to preserving the significance of the heritage assets, it is considered that the proposal would preserve the significance of the conservation area by removing a number of buildings that currently detract from it, in turn supporting the long term conservation of the area and ensuring the retention of interest in the conservation area. It would also result in the public benefit of facilitating the regeneration of the application site to more effectively meet the needs of modern business, maximising the employment capacity of the site, and enabling the appropriate development of a sustainable site as supported by national and local policy.
- 124 In considering potential alternatives to the proposed development, none have been presented to the Council in the form of applications made and so it is not possible in this instance to consider alternatives.
- 125 In conclusion, the benefits of developing the site outweigh the presumption against the harm to the conservation area and so the development meets the tests of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity impact

- 126 Policy EN2 of ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that the development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 127 The distance shown from the rear elevation of the proposal to the rear of the properties on the Drive varies from a minimum of approx. 27m between the rear of the two storey element to the rear of No.43, to a maximum of approx. 49m from the rear of the commercial element to the rear of No.26 The Drive.

- 128 A recent appeal (14/00967/FUL at 138-148 High Street) decision found that within the town centre setting, a distance of 19m between windows would not result in a detrimental amenity impact through overlooking. The application proposes distances between rear elevations in excess of 27m. Additionally, windows in the elements of the proposal that are closest to the rear of The Drive at first and second floor levels are all shown as obscurely glazed. There are no windows proposed in the closest rear elevations at top floor level. In light of these factors, it is considered that objection on grounds of overlooking of the properties at the rear of the application site cannot be sustained. As such, the proposal would not result in detrimental overlooking of the properties to the rear.
- 129 The site is screened to the east by a row of trees. The Arboricultural Officer is satisfied that these can be pruned back without damaging the health of the trees.
- 130 A proportion of the rear elevation is pulled away from the boundary with The Drive through the insertion of the courtyard garden area. This, along with the variation in the rear building line, and the existing screening, breaks up the extent of elevation and ensures that it would not appear as an overly dominant feature in relation to the occupiers of The Drive. Equally, the changes in height of the rear elevation would prevent the building from appearing as an oppressive feature.
- 131 Given the location of the site within the Town Centre, the reduction in height of the proposal as it gets closer to the rear elevations of properties in The Drive, along with the distances maintained between the proposal and those dwellings, the tree belt across the rear boundary, and the obscure glazing inserted into the rear elevation of the building, it is considered that while the impact on properties in The Drive would be greater than at present, it would not be detrimental to an extent that would justify refusal of the scheme and is therefore in accordance with EN2 of the ADMP.
- 132 A daylight sunlight assessment has been carried out which establishes that the proposal would pass either the plan or elevational 45% daylight/sunlight assessment on all adjacent properties with the exception of No.118 London Road.
- 133 No.118 is located to the northwest of the site and consists of a three storey property with retail accommodation at ground floor level and residential accommodation at first and second floor. The distance from the London Road facing elevation to the wing of the development which wraps around No.118, would be less than 10m, with the proposal at approx. 0.8m higher than No.118. The proposal, due to its height and proximity to this property would have an unacceptable impact on daylight and sunlight, would result in unacceptable overlooking, and would appear as an overbearing feature to the detriment of the amenity of occupants of the dwelling, contrary to Policy EN2 of the ADMP.
- 134 Concerns have been raised about the amenity of the future occupiers of the dwellings. The dwellings all benefit from sufficient natural light to habitable rooms. While those at the rear would face onto a belt of trees, it has been established that the trees can be satisfactorily pruned while maintaining the health of the trees, which could be controlled by condition. A rear communal garden area is provided of approx. 270sqm in size in addition to private amenity space. This is considered satisfactory given that the accommodation ranges from 1- 3 bed apartments in a town centre location.

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- 135 Conditions have been suggested by SDC Environmental Health and would be imposed upon any permission to protect the future occupants from noise and air pollution.
- 136 It is considered that the proposal would provide acceptable amenities for future occupants of the scheme in compliance with EN2 of the ADMP.

Highway implications

- 137 Core Strategy Policy SP2 states that the council will ‘*Seek improved facilities for cyclists and pedestrians*’
- 138 Policy T1 of the ADMP states that:

“New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health.”
- 139 Policy T2 of the ADMP requires that vehicle parking will be made in accordance with KCC parking standards although this can be departed from to allow for local circumstances.
- 140 The proposal provides for 97 car parking spaces within the basement level of the development
- 141 The number of parking spaces proposed complies with the recommended maximum specified in the Kent Vehicle Parking Standards. Kent Highway Services have advised that they have no objection to the scheme on this basis and because the nearside of the road outside the development has double-yellow line waiting restrictions which will deter any potential overspill parking.
- 142 The assessment submitted with the application shows an estimated reduction of approx. 4 trips in the evening peak period (17:00-18:00) and KHS have advised that the morning increase is not of sufficient magnitude to justify an objection on Highways grounds under the National Planning Policy Framework.
- 143 Conditions have been suggested relating to visibility splays, a construction management plan, and making good redundant kerbs. These could be imposed on any condition.
- 144 SDC Highways have advised that no residents parking permits would be issued for occupiers of the development owing to existing pressure on local resident parking schemes. This could be placed on any permission as an informative.

Other Matters

Community Infrastructure Levy

- 145 The Council adopted the Community Infrastructure Levy on 18 February 2014 and began charging on applications approved from the 4th August.
- 146 The proposal is CIL liable and no exemption has been sought.

Sustainability

- 147 The application states that the development will deliver the following sustainability measures:

Code for Sustainable Homes Level 4

BREEAM 'Excellent'

Providing a CH P Engine system

PV Panels

Proposed 100% energy-efficient lighting.

Design measures to ensure water usage will be on average <90 Litres per person per day

- 148 These measures are shown on the approved plans and as such would have to be implemented as part of any approval. Although there is now no requirement to build to the Code for Sustainable Homes, compliance with BREEAM minimum level 'very good' could be required by condition in accordance with policy SP2 of the Core Strategy.

Refuse

- 149 Refuse and recycling facilities are shown in the lower ground floor of the development. A refuse and recycling strategy has been submitted which has been assessed by SDC and found to be acceptable.

Ecology

- 150 Sufficient ecological information has been submitted which demonstrates that survey work to a standard acceptable to Kent Ecology has been undertaken. Natural England have recommended that ecological enhancements could be added to the proposal. A scheme showing this could be required by condition.

Waste

- 151 Thames Water have advised that they are unable to determine the waste water infrastructure of the proposal and as such, have recommended that a condition be imposed requiring drainage details to be submitted prior to the commencement of development.

Pollution

- 152 Details of air quality, contamination and noise impact have been submitted with the application. SDC Environmental health have assessed these documents and found the submissions to be acceptable.
- 153 The application includes sufficient mitigation measures regarding air quality, the implementation of which could be required by condition
- 154 With regard to contamination of the site, SDC Environmental health have requested that any permission be conditioned to require the submission of details

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of proposed mitigation measures and a validation report detailing remediation measures and importation of soils including details of waste soils and spoil removal and certification of imported soils.

- 155 SDC Environmental health has also requested a condition requiring specific details of proposed attenuation measures to ensure that amenity space is not subject to unacceptable noise levels.

Trees

- 156 An arboriculture report has been submitted with the application which demonstrates that no trees would be removed to facilitate the development, and that the works could be carried out without endangering the trees.
- 157 SDC Arboricultural Officer has assessed the report and is satisfied that although the trees at the rear of the site could block natural light to the rear of the proposal, it is clear that there is a suitable pruning proposal that will allow a suitable distance between living space and trees to be created without danger to the trees.
- 158 It is considered that the landscaping scheme at the rear of the site could be improved upon and as such, it would be appropriate to require an amended landscaping scheme to be submitted.

Conclusion

- 159 The application site is a sustainable location and therefore, subject to compliance with other local plan policies, it is considered an acceptable location in principle for a mixed use development scheme incorporating office and residential use in accordance with policies LO1, LO2, LO3 of the Core Strategy, SC1 of the ADMP, and the NPPF.
- 160 The density of development is considered acceptable and in accordance with SP7 of the Core Strategy.
- 161 Although the proposal represents a significant reduction in commercial floorspace, the potential of the new office floorspace to provide the same level of employment as that currently on site is a significant material consideration to consider alongside the floorspace loss. Therefore although the proposal is contrary to the detail of policies SP8 of the Core Strategy and EMP1 of the ADMP, it is considered on balance to be acceptable and in the spirit of the purpose of the policy.
- 162 The proposal does not accord with SP3 of the Core Strategy as the applicant has failed to demonstrate genuine economic constraints which would prevent a policy compliant level of affordable housing provision being made.
- 163 The proposal would preserve the character and appearance of the nearby conservation areas in accordance with SP1 of the Core Strategy, EBN4 of the ADMP and the NPPF.
- 164 The appearance and design of the building would accord with Policy SP1 of Core Strategy, EN1 of the ADMP, and the NPPF.

- 165 The proposal would have an unacceptable impact on the amenity of No.118 London Road contrary to policy EN2 of the ADMP.
- 166 The highway impact of the scheme and the parking provision for the new development accords with Policies T1 and T2 of the ADMP
- 167 On the basis of non compliance with policy SP3 of the core Strategy, it is recommended that planning permission is refused.

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

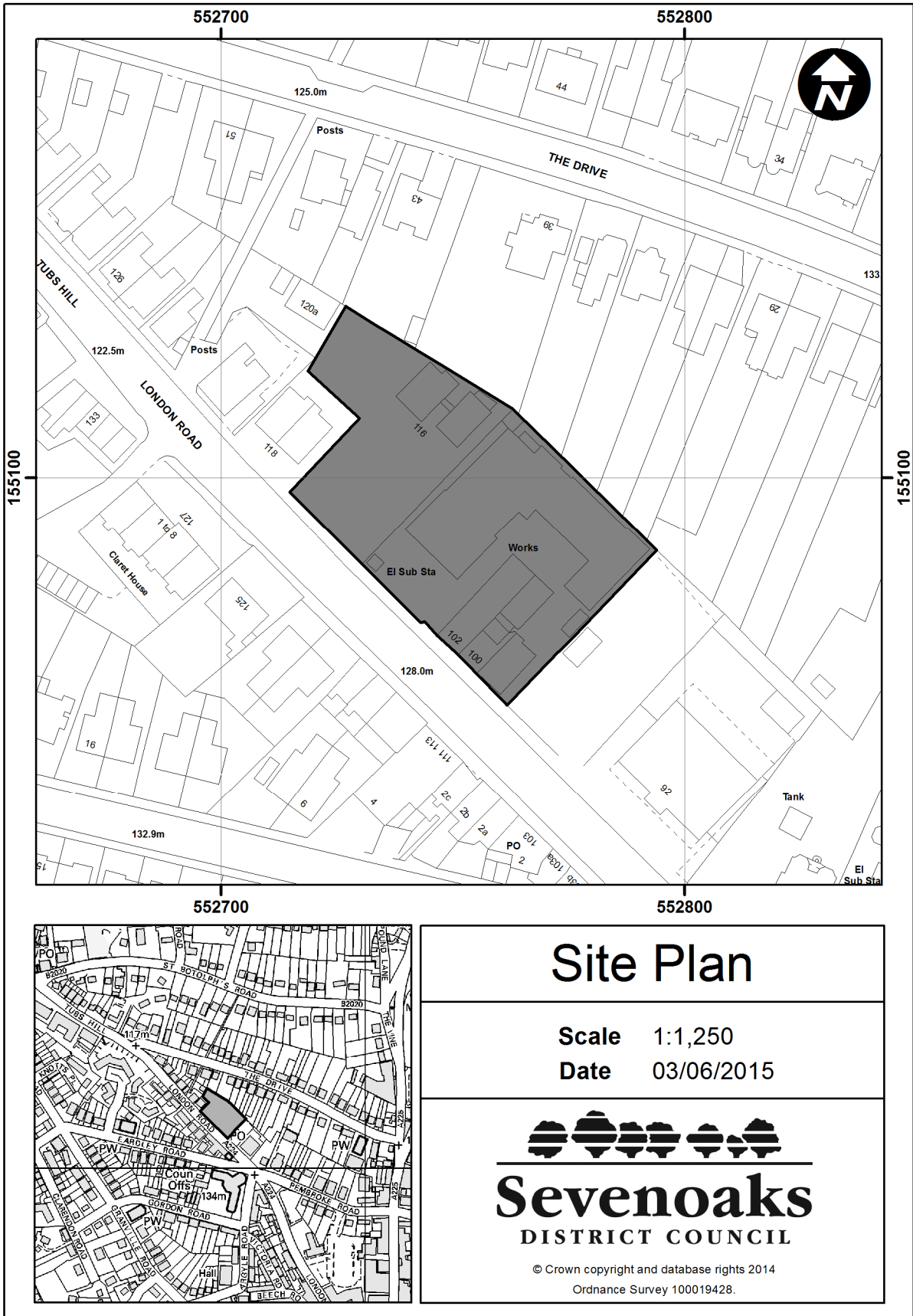
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N7YZKQBKGBX00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N7YZKQBKGBX00>



Site Plan

Scale 1:1,250

Date 03/06/2015



Sevenoaks
DISTRICT COUNCIL

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Ordnance Survey 100019428.



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4.2 - SE/15/00874/FUL Date expired 22 May 2015

PROPOSAL: Change of Use from A1 (shops) to A3/A5 use for restaurant and/or takeaway. Internal alterations.

LOCATION: 123 St Johns Hill, Sevenoaks TN13 3PE

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Fleming who is concerned about the impact on the designated neighbourhood centre, the impact on highways safety and the impact on local health.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, 15/1242/03A and 15/1242/02.

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

3) No development shall be carried out on the land until a scheme of noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should assess the worst case scenario noise impact from the proposed extract and ventilation system using methods contained within British Standard 4142:2014, Methods for Rating and Assessing Industrial and Commercial Sound to assess the likely effects of sound on people who maybe inside or outside the dwellings nearby. The development shall be carried out using the approved scheme and all plant shall be maintained in accordance with guidance and advice from the manufacturer.

To safeguard the residential amenity of the occupiers of adjacent and nearby properties as supported by policies 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.

4) Notwithstanding the information held within the planning application, no development shall be carried out on the land until a scheme of odour control has been submitted to and approved in writing by the Local Planning Authority. Full details of proposed odour control should include:

- a) The position of the flue in relation to neighbouring properties and window openings.
- b) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access

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panels and confirmation that they will be grease tight.

c) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances used.

d) The manufacturer's specification/data sheets for any odour control elements of the system.

Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the Local Planning Authority. The development shall be carried out using the approved materials.

To safeguard the residential amenity of the occupiers of adjacent and nearby properties as supported by policy 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.

5) No development shall be carried out on the land until a scheme demonstrating that appropriate facilities for storage and collection of refuse and waste, for the approved use shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

To safeguard the amenity of the area and the residential amenity of the occupiers of adjacent and nearby properties as supported by 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.

6) The use permitted shall take place on the site only between the hours of 08:00 to 23:00. Outside of these hours, no customer or potential customer shall be permitted to be on the premises and no preparation of food shall take place.

To safeguard the residential amenity of the occupiers of adjacent and nearby properties as supported by policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The applicant should refer to DEFRA guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems in relation to the discharge of conditions 3 and 4 above.

2) The applicant is advised to contact the Council's Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation and advice regarding a food registration form.

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.

Description of Proposal

- 1 The application seeks the approval of the change of use of the existing lower ground floor and ground floor of the building from an A1 retail use to an A3 restaurant and/or A5 take-away use. The residential use of the first floor of the building would remain.
- 2 The only external alteration indicated would be that of the installation of a flue to the rear of the building for the extract system to the kitchen area. Internal alterations would comprise the removal and installation of stud walls to alter the internal layout of the ground floor.

Description of Site

- 3 The application site comprises an end of terrace property on the western side of St Johns Hill, close to the Bat and Ball junction. The building provides accommodation over three floors but has the appearance of the two storey property from the street to the front. The third floor is within the basement of the building, which is accessed from the side of the property and results from the drop in levels from front to rear.

Constraints

- 4 The site lies within the built urban confines of Sevenoaks and the northern St John's neighbourhood centre.

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Policies

Sevenoaks District Core Strategy

5 Policies – LO1, LO2 and SP1

Sevenoaks District Allocations and Development Management Plan (ADMP)

6 Policies – SC1, EN1, EN2, EN7, TLC4 and T2

Other

7 The National Planning Policy Framework (NPPF)

8 The National Planning Practice Guidance (NPPG)

Planning History

9 SW/2/59/45 - Erection of a garage to replace existing store. Granted 29.04.59

SW/2/63/79 - Construction of a new shop front to existing shop. Granted 06.06.63

Consultations

Sevenoaks Town Council – 30.04.15

10 ‘Sevenoaks Town Council recommended refusal on the following grounds:

1. The loss of a retail unit within a defined neighbourhood centre is contrary to policy TLC4 of the Allocations and Development Management DPD
2. this application would further the proliferation of fast food services in the local area at the detriment of available retail space, negatively impacting the long term vitality of the area within the plan period
3. The Town Council had concerns with regards to temporary stopping of cars on the road outside the unit for food collection.’

Kent County Council Highways Engineer – 08.05.15

11 No objection has been raised due to the fact that the site is adjacent to a public car park, which charges only nominal amounts for short stay parking, and noting also the history of comparable applications being granted on appeal on St Johns Hill. A recommendation is made that improvements to the signage for the single-yellow line waiting restrictions be carried out.

Sevenoaks Environmental Health Officer – 21.04.15

12 No objection has been raised subject to the inclusion of conditions requiring a scheme of noise control, a scheme of odour control and details of the storage and collection of refuse and waste. These conditions have been included in the recommendation above (Conditions 3 – 5). Two informatives are also suggested, which have also been included in the recommendation above.

Representations

- 13 One letter of representation has been received objecting to the proposal on the grounds of a large number of existing cafes/restaurants/take-aways in the area, the character of the area, noise disturbance and litter.

Chief Planning Officer's Appraisal

- 14 The main issues in the consideration of this application include the principle of the development, the potential impact on the character and appearance of the area, the potential impact on residential amenity, the potential impact on highways safety, parking provision and local health. Other issues include sustainable development.

Main Issues

Principle of the development –

- 15 Policy TLC4 of the ADMP states that within neighbourhood and village centres, as defined in Appendix 8, a range of shops (including Use Class A1) and services (including Use Classes A2, A3, A4 and A5) will be maintained.
- 16 Changes of use between shopping and service uses within neighbourhood and village centres will be permitted where this would not lead to the loss of A1 units serving the day to day needs of the community or required to ensure that the centre is capable of meeting the day to day needs of the community during the plan period. Proposals resulting in a net loss of shopping or service uses will not be permitted unless evidence is provided to the Council to show that the operation of the facility is no longer financially viable and where there are no other realistic proposals for retail or service uses on the site, including through Community Right to Buy.
- 17 The application site does not currently serve as a retail unit as it has been vacant for a number of years and as such does not meet the day to day needs of the local community. In addition, if the use of the building were to be changed, a good number of units would continue to remain in an A1 retail use that would continue to meet the day to day needs of the local population.
- 18 Since this is the case, and the application proposes another service falling within the A use class order of a restaurant and/or take-away use. As such a range of shops and services would be retained within the designated neighbourhood centre preserving the long term vitality of the area.
- 19 I would therefore conclude that the principle of the development is acceptable and the proposal complies with policy TLC4 of the ADMP.

Impact on the character and appearance of the area –

- 20 The NPPF also states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)

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- 21 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 22 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 23 The site falls within the St John's Road Area of the Sevenoaks Residential Character Area Assessment SPD. In proposing new development within the St John's Character Area the SPD states that regular building lines and unified simple roof lines presented to the street should be respected, the harmonious palette of yellow and red brick or white render and original slate roofs should be respected, the rhythm of repeated gable ends, window and door openings and chimneys prevalent in some streets should be retained, and traditional windows and doors and detailing should be retained or reinstated.
- 24 One external alteration to the building is proposed in the form of a flue indicated to be installed on the rear wall of the property to serve the extract system of the kitchen to the proposed restaurant/take-away. This flue would not be seen from St Johns Hill to the front of the site but would be seen from the public car park to the rear of the site.
- 25 However, the rear of the properties that line St Johns Hill offer less to the character and appearance of the area for the reason that properties have been developed in different ways and at different scales. It is also the case that several properties possess similar flues, so it would not be out of character with the area.
- 26 I would therefore conclude that the development would preserve the character and appearance of the area, in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on residential amenity –

- 27 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 28 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements along with other amenity related matters.
- 29 Policy EN7 of the ADMP states that proposals which meet the following criteria will be permitted:
 - a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and

- b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 30 As noted above minimal external alterations would be carried out to the existing building and the restaurant and/or take-away use would only affect the ground floor and lower ground floor of the property. As such it is the case that it would be the actual use itself that would potentially impact upon residential amenity of the occupiers of nearby properties.
- 31 The Council's Environmental Health Officer has commented on the application and has raised no objection to the proposal subject to the imposition of three conditions relating to noise and odour control as well as the storage and disposal of refuse and waste. These conditions would ensure any plant systems installed to deal with noise and odour from the kitchen area would be appropriately designed and maintained to avoid any detrimental impacts on the residential amenity enjoyed by the occupiers of the first floor flat and other nearby residential properties.
- 32 The applicant has not indicated the hours during which the proposed restaurant/take-away would operate. However, to control activity in the form of the coming and going of customers to the property opening hours can be restricted until 11pm in line with other restaurants and take-aways in the neighbourhood centre. This can be controlled by way of a condition, which has been included in the recommendation above (Condition 6)
- 33 This control of opening times would also ensure that vehicle movements along St Johns Hill and in the adjacent public car park, were not outside of what is already established in the local area.
- 34 For these reasons, I am satisfied that the development would preserve residential amenity in accordance with the NPPF and policies EN2 and EN7 of the ADMP.

Parking provision and highways safety –

- 35 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 36 Policy EN1 of the ADMP requires that proposed development should ensure the satisfactory means of access for vehicles and pedestrians provides adequate parking and refuse facilities.
- 37 No parking provision is made as part of the application. However, a public car park exists to the rear of the site where customers can safely park and visit the restaurant and/or take-away. This is also an arrangement for the other retail units within the neighbourhood centre.
- 38 In terms of the possibility of cars trying to park on the double and single yellow lines that run along this part of St Johns Hill, this is a matter for action from the Council's Civil Enforcement Officers. The County Highways Engineer recommends that the restrictions should be made clearer. However, this is a matter for Kent County Council since the District Council simply enforces the restrictions put in place by the County Council. Kent Highways have raised no objection to the proposal.

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- 39 Overall, the proposal would be acceptable in terms of parking provision and highways safety, and would comply with policy T2 and EN1 of the ADMP.

Local health –

- 40 There is no specific development plan policy which relates directly to local health. However, case law has within the last 5 years indicated that health can be a material consideration to a planning application. What weight is given to this matter is for the decision maker to decide.
- 41 The proposal is for a restaurant and/or take-away in an area where a number of existing similar uses are found. For this reason I do not believe that an additional similar use would cause demonstrable harm to local health to justify refusal particularly since the use could be solely for an A3 restaurant use .
- 42 Weighing up this matter as a material consideration and the circumstances relating to the application and the surrounding area I would conclude that the proposal would not result in a detrimental harm to the health of the local population.

Other Issues

Sustainable development –

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

Conclusion

- 45 I consider that the proposed development would preserve the character and appearance of the area, residential amenity, highways safety and local health and would provide sufficient vehicle parking. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s):

Mr M Holmes Extension: 7406

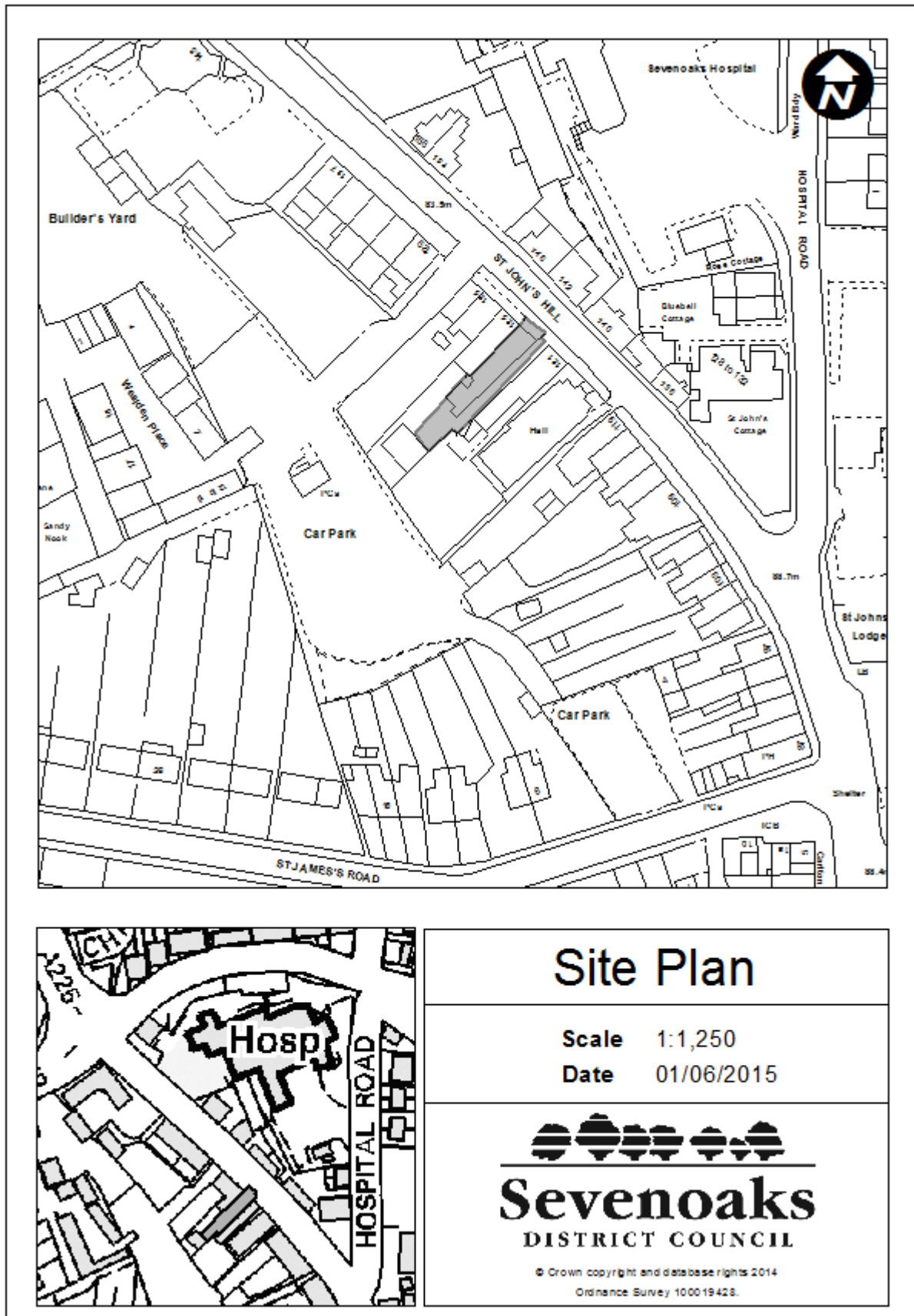
Richard Morris
Chief Planning Officer

Link to application details:

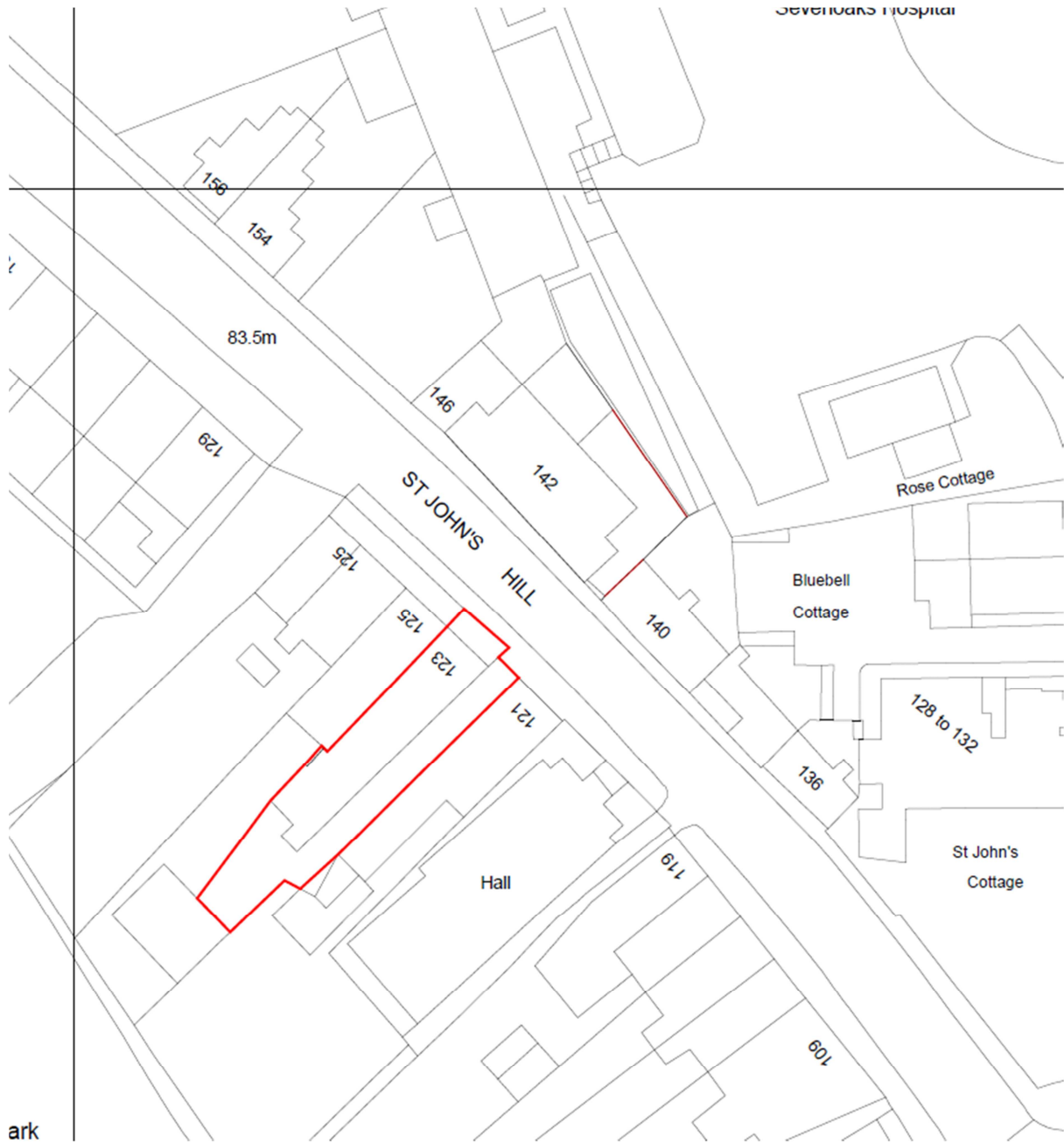
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Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLOCR7BKJ4B00>



Block Plan



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4.3 - SE/15/00454/FUL Date expired 16 April 2015

PROPOSAL: Demolition of existing house, garage & outbuilding and erection of two 3 bedroom detached houses.

LOCATION: Barn Cottage, Crouch House Road, Edenbridge TN8 5ED

WARD(S): Edenbridge South & West

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Layland who is concerned about the potential impact on the character and appearance of the area, the potential impact on residential amenity, the potential impact on highways safety and the potential for flood risk.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 141 001 P1, 141 002 P2, 141 003 P1, 141 004 P2, 141 005 P2, 141 006 P2, 141 010 P4, 141 011 P4 and 141 012 P4.

The development hereby permitted shall be carried out in accordance with the following approved plans:

3) The materials to be used in the construction of the development shall be those indicated on the approved plan drawing numbers 141 010 P4 and 141 011 P4.

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..

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 safeguard the visual appearance of the area as supported by 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) Soft landscape works shall be carried out before first occupation of the dwellings.

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The landscape works 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.

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

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

7) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: 14101, October 2014, Water Environment Limited) and the following mitigation measures detailed within the Flood Risk Assessment:

- 1) Limiting the surface water run-off generated by the 30 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site;
- 2) Provision of compensatory flood storage in the vicinity of the site to a 1 in 100 year standard; and
- 3) Finished floor levels are set no lower than 41.69m above AOD and there is no ground floor sleeping permitted.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water flooding from the site, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants as supported by the National Planning Policy Framework.

8) The driveways shown on the approved plan drawing number 141 002 P2 shall be provided with bound surfaces within 5m of the carriageway.

In the interests of road safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) No development shall be carried out on the land until full details of proposed external lighting have been submitted to and approved in writing by the Council. The lighting shall be in accordance with the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance and any future external lighting shall also comply with this guidance.

To ensure the long term retention of bats in the area 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.

10) The removal of the buildings and vegetation from the site shall take place outside the bird breeding season (March - August inclusive). If this is not possible an ecologist should examine the site prior to works starting and if any nesting birds are recorded all work must cease until all the young have fledged.

To ensure the protection of birds nesting on the site in accordance with the National Planning Policy Framework.

11) No development shall take place on the land until details of ecological

enhancements to be incorporated in to 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 enhancements.

To ensure the long term retention of a site suitable for ecology as supported by the National Planning Policy Framework.

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

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

13) The first floor window in the eastern side elevation of the approved dwellings shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

Informatives

1) The granting of planning permission does not convey any approval for construction of the vehicle crossover (i.e. dropped kerb) or any other works in the highway or affecting it. A licence must be obtained for such works. The Applicant should contact Kent County Council Highways and Transportation (web: http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx telephone:03000 418181) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice.

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),

Agenda Item 4.3

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing dwelling and the erection of two detached houses, two storeys in height with accommodation in the roof and rear facing dormer windows, proposed to be sited side by side on the plot, and the creation of a new access to serving the new unit to the southern part of the site.
- 2 The new dwellings would be mainly rectangular shaped, with a two storey front projection, a two storey side projection and a single storey side projection providing some relief. The properties would generally have a traditional appearance, having a pitched roof and being finished with a mixture of brickwork, hanging tiles, render and roof tiles.
- 3 The houses would have a height of 7.72m, a maximum width of 11.35m (taking account of the single storey garage and two storey side projections) and a maximum depth of 10.48m (taking account of the front projection). The houses would be sited a minimum of 5.2m from the front boundary of the site. Accommodation would be provided over three floors
- 4 The new access would be located to the left hand side of the frontage to the southern unit, in front of the integral garage to the house. In addition to the integral garage for both properties, each would also be provided with a parking area to the front of each plot.
- 5 The application follows on from a previous submission for a similar proposal of two dwellings on the site. This earlier application was withdrawn after concerns were raised that the height of the two dwellings was not appropriate and that there may be the potential for bats to roost on the site. The scheme now proposed has sought to overcome these concerns by reducing the height of the two units by over a metre and by providing an ecological scoping survey.

Description of Site

- 6 The application site comprises a detached dwelling, set on a roughly square shaped plot, located on the east side of Crouch House Road between the junction with Manor House Gardens and Lingfield Road. The property therefore shares its side boundaries with properties that back on to it to the north and south. The site is bounded by mature trees and hedging and a vehicular access is located to the north-west corner of the site.

Constraints

- 7 The site lies within the built urban confines of Edenbridge, an Area of Archaeological Potential and trees adjacent to the eastern boundary of the site are covered by a Tree Preservation Order.

Policies

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 8 Policies – SC1, EN1, EN2, EN4 and T2

Sevenoaks District Core Strategy

- 9 Policies – LO1, LO6, SP1, SP2, SP3, SP5, SP7 and SP11

Other

- 10 The National Planning Policy Framework (NPPF)
11 The National Planning Practice Guidance (NPPG)
12 Affordable Housing Supplementary Planning Document (SPD)
13 Edenbridge Village Design Statement

Planning History

- 14 SE/14/03364 - Demolition of existing house on the site of Barn Cottage, clearance of site and erection of two 4 bedroom detached houses. Withdrawn.

Consultations

Edenbridge Town Council - 10.03.15

- 15 'Objection and reasons:

Members object to this application which is only marginally lower in height than the previous application, Members' previous objections remain. The development is bulky and out of keeping with the surrounding properties and is detrimental to the street scene. The size and bulk is overbearing and will cause overlooking, overshadowing and loss of light to properties on Crouch House Road and Manor House Gardens.

Members found it difficult to distinguish the facts contained in the Flood Alleviation Report from the extensive text and request that the content is checked by an expert at District Council. This is particularly important as there have been recent flooding events on both 24 December 2013 and 14 February 2014. The additional hard surfacing is a concern.

Members also wish Kent Highways to assess the road movements carefully as the site is on a bend.

Even with the minor height reduction and removal of the hipped roofs, the application is unacceptable and the members reiterate their strong objection to it.'

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Environment Agency – 27.03.15

- 16 No objection has been raised subject to the inclusion of a condition requiring compliance with the Flood Risk Assessment submitted, which is included in the recommendation above (Condition 7).

KCC Highways Engineer – 16.03.15

- 17 No objection has been raised subject to the inclusion of a condition requiring that the driveways should be provided with bound surfaces within 5m of the carriageway and an informative relating to works to the highway, which are included in the recommendation above (Condition 8 and Informative 1 respectively).

KCC Biodiversity Officer – 23.03.15

- 18 No objection has been raised subject to the inclusion of conditions requiring external lighting be design be designed in accordance with the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance, the removal of the buildings and vegetation outside the bird breeding season and details of ecological enhancements to be incorporated in to the site. These conditions have been included in the recommendation above (Conditions 9, 10 and 11).

KCC Archaeological Officer – 18.03.15

- 19 No objection has been raised subject to the inclusion of a condition requiring an archaeological watching brief, which is included in the recommendation above (Condition 12).

Tree Officer – 13.03.15

- 20 'There is no significant planting on this site. A landscaping scheme should be conditioned and attached to any consent provided.' (See Condition 4 in the recommendation above.)

Representations

- 21 Twelve letters of representation have been received highlighting objections to the scheme on the following grounds:
- Flooding;
 - Overbearing effect;
 - Impact on the character and appearance of the area;
 - Overlooking;
 - Impact on highways safety;
 - Overshadowing and loss of light;
 - Parking provision;
 - Impact on biodiversity;
 - Design;
 - Height of the buildings;

- Loss of visual amenity;
- Impact of solar panels; and
- Provision of local infrastructure.

Chief Planning Officer's Appraisal

22 The main issues in the consideration of this application include: the principle of the development; the potential impact on the character and appearance of the area; the potential impact on residential amenity; potential flood risk; the potential impact on highways safety; parking provision; the potential impact on the Area of Archaeological Potential; the potential impact on trees; and the potential impact on biodiversity. Other issues include: an affordable housing provision; the Code for Sustainable Homes; the Community Infrastructure Levy; and sustainable development.

Main Issues

Principle of the development –

- 23 The site falls within the built confines of Edenbridge and so policy L06 of the Core Strategy applies. This policy seeks to provide 410 dwellings (2006 – 2026) on a range of sites suitable for residential use within the urban area, avoiding areas liable to flood. In my view, the site is suitable for residential development, given that it currently has a residential use and is located close to the services offered within Edenbridge town centre. The site lies within a flood zone and this matter will be considered in more detail later in the report. Subject to the proposal being acceptable in this respect, proposal would therefore wholly comply with policy L06 and the principle of the development of the site is one that the Council could potentially accept provided the scheme complies with all other relevant development plan policies.
- 24 The NPPF excludes land in built-up areas, such as private residential gardens from the definition of previously developed land. Paragraph 53 of the document advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.
- 25 However, the Framework does not preclude development on garden land as a matter of principle. The Core Strategy and ADMP both contain policies to protect the character of local areas, but neither document sets out any express aim to resist inappropriate development of residential gardens. Policy L01 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Edenbridge being a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.
- 26 The proposal comprises the redevelopment of the part of the site where the existing house currently stands and part of the residential garden of the existing house and so falls outside of the definition of previously developed land. It is therefore necessary to assess whether or not the proposed scheme would impact upon the local area and this is an assessment that will be carried out in detail in the remainder of my report.

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Impact on the character and appearance of the area –

- 27 The NPPF also states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 28 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 29 Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 30 The Edenbridge Village Design Statement provides some general design guidance for new development within Edenbridge.
- 31 The character of the area is mixed with bungalows, chalet bungalows and two storey properties, finished in different external materials, found in the locality on both Crouch House Road and Manor House Gardens. Roof forms also vary with hipped roofs, barn hip roofs and gabled ended roofs featuring locally. Plot sizes also vary greatly amongst the dwellings in the locality.
- 32 The proposed dwellings would be of a height greater than those directly adjacent to them on Manor House Gardens to the north and on Crouch House Road to the south. The properties would also provide accommodation over three floors, with a front facing velux window and a rear facing dormer window supplying natural light to the roof space of both houses.
- 33 However, the dwellings would reflect the height, bulk and scale of the two storey properties located elsewhere in the locality. These include Woolstone Cottage and Pound Cottage to the south (approximately 6m in height) and June Cottage to the west (approximately 7m high). It is also the case that the proposed height difference of 1m to those adjacent two storey properties on Manor House Gardens would not be significant or harmful.
- 34 As such I am satisfied that the height, bulk and scale of the two buildings would be in keeping with the character and appearance of the area and would not be overbearing or overly dominant on the street scene.
- 35 The foot print of the proposed units and the plots on which they would be sited would also be appropriate to the character and appearance of the area, with a generous space provided between the two houses (3.8m) as well as good spacing to the adjacent properties to the site (7.5m to the properties on Manor House Gardens and 5.7m to the properties to the south) and good sized rear gardens.
- 36 Finally, the overall design and finish of the dwellings would sit comfortably within the mixed character of the area.
- 37 I would conclude that the proposed development would be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. The proposal therefore complies with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on neighbouring amenity –

- 38 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 39 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.
- 40 The neighbouring properties potentially most affected by the proposed dwellings would be 44 – 48 Manor House Gardens and Cavallino, Tukaway, Tree Tops and Copperfields on Crouch House Road. Other nearby properties, including those on the opposite side of Crouch House Road, would be sufficient distance away not to be significantly impacted upon.
- 41 The single storey side projection of the northern plot would lie within 10m of 48 Manor House Gardens, increasing to 14m to the main two storey element of the proposed building. These distances are similar to those which relate to the main part of 47 Manor House Gardens. However, this property possesses a rear conservatory that would reduce these distances to 7.5m and 11.5m respectively. 46 Manor House Gardens would be situated about 11.5m and 14.5m from the proposed northern plot while 45 and 44 Manor House gardens would be over 20m from the northern unit.
- 42 The proposed development would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements that would have a detrimental impact on the occupiers of the properties on Manor House Gardens. This is mainly due to the fact that the site is already in residential use and so its continued use would be entirely acceptable.
- 43 The proposed dwellings would not have any north facing side windows. In addition, the upper floor rear facing windows would only have oblique views towards Nos.46 and 45 and a distance of 21m would be maintained between the northern plot and No.44. It is therefore the case that no significant overlooking or loss of privacy would occur.
- 44 The proposed dwelling to the northern plot has been designed and is located such that it would not result in visual intrusion or a dominant and overbearing impact on outlook from the rear facing windows of Nos.47 and 48 in particular. The eaves and ridge height are such that they would not harm the amenity to the occupiers of these adjacent properties. The other properties on Manor House Gardens would be off-set from the side wall of the proposed dwelling and so would not be affected.
- 45 Finally, the northern of the two proposed units would pass the 45 degree angle test in plan and elevation and so the amount of daylight received by Nos.47 and 48, in particular, would be acceptable. The application site is located to the south of the properties on Manor House Gardens and so there is the potential for a loss of sunlight. However, the fact that the proposal comprises a modest sized eaves height to a roof pitched to the front, side and rear, and the proposal passes the

Agenda Item 4.3

- 45 degree angle test would lead me to conclude that any loss of light would not be significant or detrimental to the amenities of the occupiers of Nos.47 and 48.
- 46 The southern most unit would be located 7.5m from the main rear elevation of Cavallino, decreasing to 5.7m to the rear garage projection of Cavallino, 10m from the rear of Tukaway, 14.5m from the rear of Tree Tops and 21m from Copperfields.
- 47 The proposed development would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements that would have a detrimental impact on the occupiers of the properties to the south on Crouch House Road. This is mainly due to the fact that the site is already in residential use and so its continued use would be entirely acceptable.
- 48 The proposed southern dwelling would have a south facing side window. This would serve a bathroom and so this window can be controlled by way of condition. In addition, the upper floor rear facing windows would only have oblique views towards Tukaway and Tree Tops and a distance of just over 20m would be maintained between the proposed southern plot and Copperfields. It is therefore the case that no significant overlooking or loss of privacy would occur.
- 49 The proposed dwelling to the southern plot has been designed and is located such that it would not result in visual intrusion or a dominant and overbearing impact on outlook from the rear facing windows of Cavallino and Tukaway in particular. The eaves and ridge height are such that they would not harm the amenity to the occupiers of these adjacent properties. The other properties to the south of the site on Crouch House Road would be off-set from the side wall of the proposed dwelling and so would not be affected.
- 50 Finally, the southern of the two proposed units would pass the 45 degree angle test in plan and elevation and so the amount of daylight received by these properties would be acceptable. In terms of sunlight, the application site lies to the north of the properties on Crouch House Road and therefore results in no loss of sunlight.
- 51 Representations received from the owners/occupiers of properties further away than those referenced above, and also opposite the site on Crouch house Road, have raised objections regarding overlooking, loss of privacy, overbearing effect, loss of light along with other matters. However, these properties are sufficient distance away not to be impacted upon significantly in relation to the amenity issues referred to.
- 52 One of the representations received highlights a concern regarding the impact of solar panels. However, the proposed scheme does not appear to include any solar panels attached to the proposed houses and in any event the inclusion of solar panels is unlikely to harm the visual amenity of the local area.
- 53 In considering the amenities enjoyed by the future occupants of the proposed houses, I believe that they would generally enjoy a good level of amenity. Where this is lessened, due to the relationship with the adjacent properties, an element of buyer beware exists.
- 54 In conclusion, the development would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the

amenities of existing and future occupants of nearby properties. This would be in accordance with the NPPF and policy EN2 of the ADMP.

Flood risk –

- 55 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 56 The Environment Agency has commented on the proposal stating that they would raise no objection to the scheme provided a suggested condition is attached to any approval of consent (Condition 7).
- 57 The proposal is therefore acceptable in terms of any potential flood risk for the area, in accordance with the NPPF.

Parking provision and highways safety –

- 58 Policy EN1 of the ADMP states that proposals which would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities will be permitted.
- 59 Policy T2 of the ADMP states that vehicle parking provision in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 60 The Highways Engineer has raised no objection to the proposal subject to a condition and informative that has been included in the recommendation above.
- 61 I would therefore conclude that the proposed development would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking in accordance with policies EN1 and T2 of the ADMP.

Impact on the Area of Archaeological Potential –

- 62 Policy EN4 of the ADMP states that where the application is located within, or would affect, an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.
- 63 The County Archaeological Officer has raised no objection to the proposal subject to the inclusion of a condition requiring an archaeological watching brief, which is included in the recommendation above (Condition 12).
- 64 The proposal would therefore comply with policy EN4 of the ADMP.

Impact on trees –

- 65 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient

Agenda Item 4.3

woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).

66 The Council's Tree Officer has confirmed that since there is no significant planting on this site he would raise no objection to the proposal. A landscaping scheme is requested to be conditioned and attached to any consent provided, which is included in the recommendation above (Condition 4).

67 The proposal therefore complies with the NPPF in this respect.

Impact on biodiversity –

68 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).

69 No objection has been raised by the County Biodiversity Officer subject to the inclusion of conditions requiring external lighting be design be designed in accordance with the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance, the removal of the buildings and vegetation outside the bird breeding season and details of ecological enhancements to be incorporated in to the site. These conditions have been included in the recommendation above (Conditions 9, 10 and 11).

Other Issues

Affordable housing contribution –

70 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.

71 However, on 28th 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, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m². As a result policy SP3 of the Core Strategy and the Affordable Housing SPD are no longer consistent with the NPPG in relation to developments below the new NPPG size threshold and are not likely to be supported on appeal.

72 This proposal is for a development below the NPPG threshold and a contribution to affordable housing cannot therefore be sought.

Code for Sustainable Homes –

73 Policy SP2 of the Core Strategy requires that new homes achieve at least Level 3 of the Code for Sustainable Homes. Applicants must submit evidence which demonstrates how the requirements have been met or which demonstrate that compliance is not technically or financially feasible.

74 However, two material considerations are a recent ministerial statement outlining the fact that local authorities will no longer be able to require energy efficiency

standards on new dwellings and the fact that the Code for Sustainable Homes no longer exists making it unreasonable to impose related conditions. Therefore, while the proposal has been considered in relation to the development plan, material considerations dictate that in this instance any condition requiring compliance with the Code for Sustainable Homes should not be imposed.

Community Infrastructure Levy (CIL) –

- 75 The proposal comprises the erection of two new dwellings and so the development is CIL liable for all of the new floor area created. The applicant has acknowledged this fact and has claimed no exemption to the payment of CIL.
- 76 It is therefore the case that the contribution made through CIL would go towards providing infrastructure in the district.

Sustainable development –

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

Conclusion

- 79 I consider that the proposed development would preserve the character and appearance of the area, residential amenity, highways safety, trees and biodiversity, would not increase the flood risk in the area, would provide sufficient parking and would not impact on the Area of Archaeological Potential. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block plans

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

Richard Morris
Chief Planning Officer

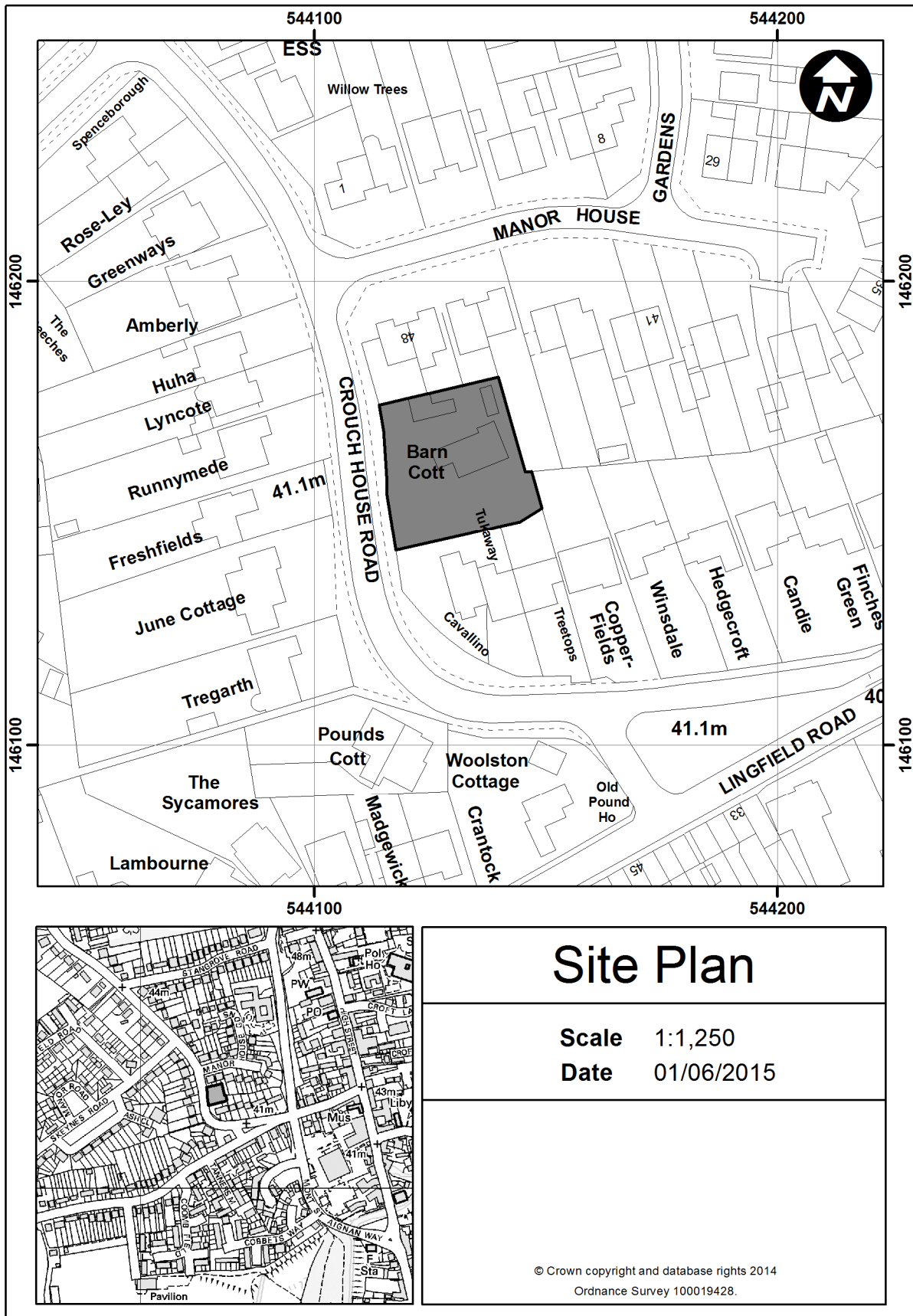
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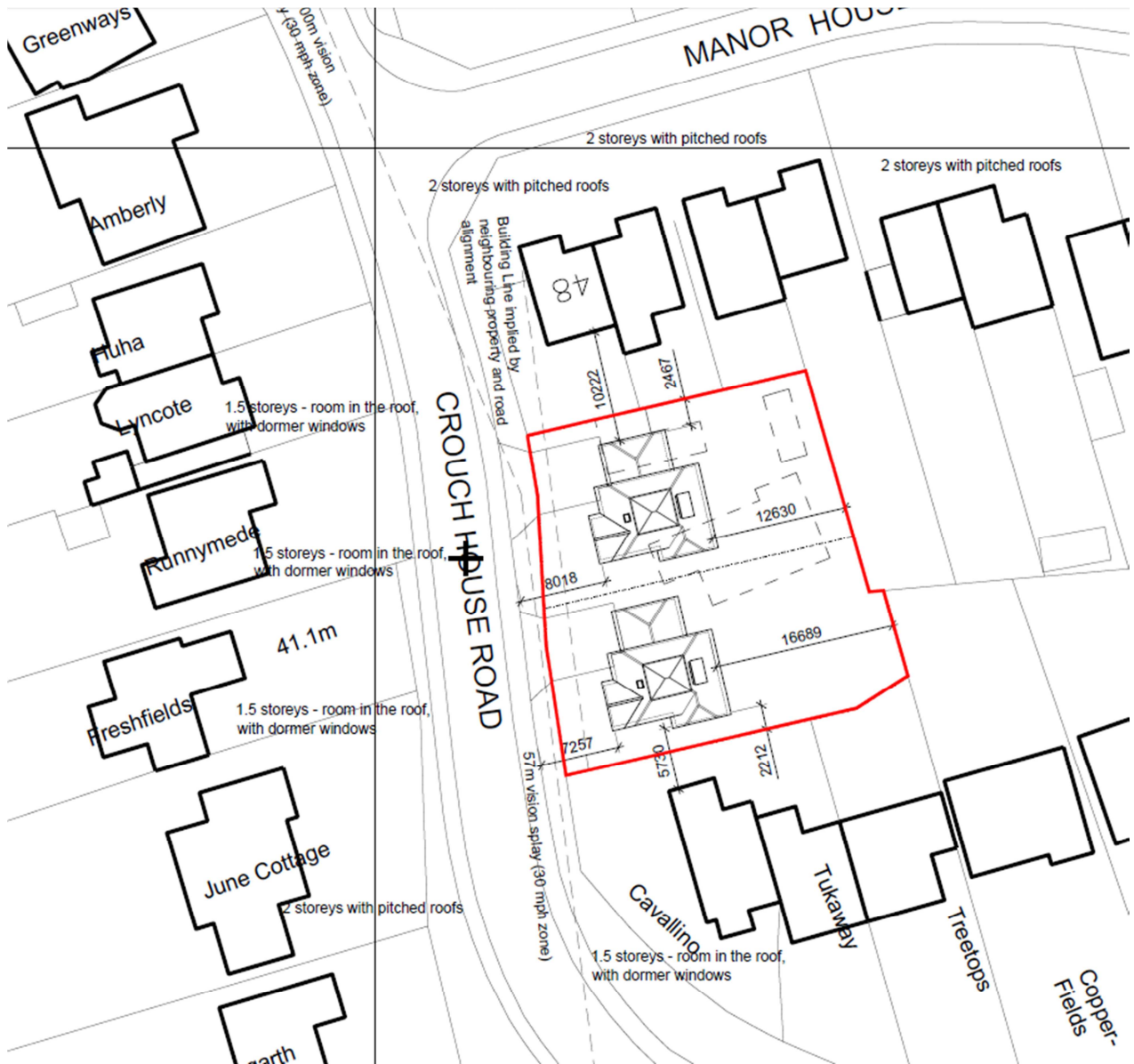
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<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NJMA0WBKINU00>





4.4 – SE/15/00358/HOUSE Date expired 20 April 2015

PROPOSAL: Conversion of existing garage to an annexe.

LOCATION: Willow Cottage, Dartford Road, Horton Kirby DA4 9JE

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

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor McGarvey so that the Green Belt implications 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 enhances the character and appearance 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, WILLOW-COTTAGE-02

For the avoidance of doubt and in accordance with proper planning.

4) The ground floor window(s) in the eastern (front) elevation(s) shall be obscure glazed at all times.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks 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 with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 The proposal is to convert an existing garage building to the rear of the site into an annexe that will be ancillary to the main dwelling house.
- 2 The only external alteration will be the removal of a garage door on the rear elevation and its replacement with a pedestrian door and a window.

Description of Site

- 3 The site is a detached dwelling which fronts Dartford Road. The properties are set above the height of the road, and the rear gardens slope up to the east. The gardens are an average of 30 metres, and many have garages to the rear which are adjacent to a private access road.
- 4 Despite fronting a busy road, this stretch of houses are rural in character, and are situated outside the village confines of Horton Kirby and within the Metropolitan Green Belt.

Constraints

- 5 Green Belt
- 6 Area of Archaeological Potential.

Policies

ADMP:

- 7 Policies –EN1, EN2, GB7, T2

Sevenoaks Core Strategy:

- 8 Policies - SP1, LO8

Other

- 9 *National Planning Policy Framework*

- 10 *Sevenoaks District Council Supplementary Planning Document for Householder Extensions.*

Planning History

- 11 None relevant.

Consultations

Parish / Town Council

- 12 Objection and reasons: Over development in green belt

Other Consultees

- 13 None

Representations

- 14 Two neighbours have been consulted and no representations have been received.

Chief Planning Officer's Appraisal

Principal Issues

- 15 The principal issues in this instance are,
- Whether the proposal would constitute an annexe or a self contained dwelling
 - The appropriateness of the development within the Green Belt
 - The impact of the proposal on the street scene
 - The impact of the proposal on the neighbouring dwellings
 - Highways issues
 - Community Infrastructure Levy

Annexe or self-contained dwelling

- 16 The plans state that the proposal will not have a kitchen, and therefore it will be reliant on the main dwelling for some of its facilities.
- 17 There will however be a physical degree of separation from the main dwelling as it is set 24m from the main dwelling.
- 18 There is a private access road to the rear of the site that will be adjacent to the rear elevation of the annexe, but it would not be easy to sub-divide the plot and provide both the main dwelling and the annexe with its own vehicular access.
- 19 There is not sufficient space to the side of the main dwelling for vehicles to pass. The change in ground levels, with Willow Cottage significantly higher than Dartford Road also means that off road parking could not be provided to the front of the

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site without the submission of a further application for the engineering works required to level the front garden.

- 20 Therefore, given an assessment of the plans, the situation on site it is felt that the proposal would not constitute a separate residential unit, and would be considered as an annexe, ancillary to the main residential use of the site.

Green Belt

- 21 Paragraph 90 of the National Planning Policy Framework (NPPF), states that the re-use of buildings in the Green Belt can be appropriate development where they are of permanent and substantial construction.
- 22 Policy GB7 of the Allocations and Development management Plan (ADMP) supports this, stating that, the proposed new use, along with any land around it would not materially have a greater impact than the present use and the openness of the Green Belt, or harm the existing character of the area.
- 23 The existing garage is a permanent building, and although works to the fenestration would be required in order to convert, these are minor alterations. The building is of substantial construction and would not involve significant structural alterations in order to make it habitable.
- 24 Therefore the proposal will not involve any increase in footprint, height or bulk to an existing building within the Green Belt, and in this respect the proposal will comply with Green Belt policy.
- 25 The use of the building as an annexe has been established. It is a building that will be subservient to the main dwelling in terms of its use, and therefore the impact on the openness of the Green Belt in terms of residential paraphernalia will be minimal.
- 26 In addition to the above, as the proposal would be considered ancillary to the main dwelling and that the permitted development rights have not been removed from the property, there is a likelihood that this work could be carried out under permitted development.
- 27 The proposal would therefore comply with National and Local Policy and be appropriate development within the Green Belt.

Street scene

- 28 Policy EN1 of the Allocations and Development Management Plan (ADMP). This policy states that the form of the proposed development should respond to the scale, height, materials and site coverage of the area. The design should be in harmony with adjoining buildings.
- 29 The proposal will result in some minor alterations to an existing building that is set to the rear of the site, fronting a private access road. This involves changing an existing garage door to a pedestrian door and a window.
- 30 These are minimal alterations and will reflect the existing design, size and style of fenestration on the building. They will not therefore alter its character or have an unacceptable impact on the wider character of the area.

- 31 The proposal would therefore comply with the National Planning Policy Framework and policy EN1 of the ADMP.

Neighbours

- 32 Policy EN2 of the ADMP states that proposals will be permitted where they provide adequate residential amenities existing and future occupiers of the property. This will include a consideration of noise, vibration, odour, air pollution, activity of vehicle movements, overlooking, visual intrusion or unacceptable loss of light or privacy. The Supplementary Planning Document for Householder Extensions (SPD) offers further guidance.
- 33 There are two neighbours which are likely to be affected by the proposal. These are Little Croft to the north of the site and Treelands to the south.
- 34 Both these properties have habitable rooms on the rear elevation of the property, and their gardens, and that of the application site, rise up to the rear.
- 35 No additional windows are proposed on the front and side elevations of the existing buildings. However, the use of the building as an annexe will intensify the use of the building, which may have an impact on the amenity to the gardens of neighbouring dwellings.
- 36 There is mature planting on the boundary between Little Croft and the proposed annexe which will offer screening and maintain privacy. The window closest to the shared boundary will serve a bathroom and this can be conditioned to be obscure glazed.
- 37 There is a small window on the elevation that will face Treelands. This will be at a 45 degree angle which will restrict views into the site. This is also a secondary window, with the main light source being on the rear elevation of the property, and through the front doors. Therefore, given that the boundary treatment between the application site and Treelands is a close boarded fence which, given the change in ground levels, still offers some views into the neighbouring garden, it would not be unreasonable to obscure glaze this window via planning condition, in order to limit the loss of privacy to the private amenity space of the neighbouring garden.
- 38 Therefore, subject to the conditions proposed, the scheme will not have an unacceptable impact on the amenities of the neighbouring dwellings. The proposal will therefore comply with policy EN2 of the ADMP.

Highways

- 39 Interim Guidance Note 3 of the Kent Design Guide states that a property in a rural location with 4 bedrooms or more needs a maximum of two parking spaces. Policy T2 of the ADMP supports this.
- 40 The proposal will result in a loss of two garage spaces to the property, and would result in the creation of an extra bedroom. However there is parking provided in the private access road to the rear of the site for two cars.
- 41 Therefore the proposal will comply with this policy.

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Community Infrastructure Levy

42 The application is CIL liable, and the agent is not claiming any exemptions.

Other Issues

43 The site is in an area of Archaeological Potential, however no ground works are proposed.

Access Issues

44 The access to the site is not being altered.

Conclusion

45 The proposal is appropriate development within the Green Belt. It will therefore comply with National Planning Policy and GB7 of the ADMP.

46 The proposal will not have an unacceptable impact on the amenities of the neighbouring properties.

Background Papers

Site and Block Plan

Contact Officer(s): Deborah Miles Extension: 7360

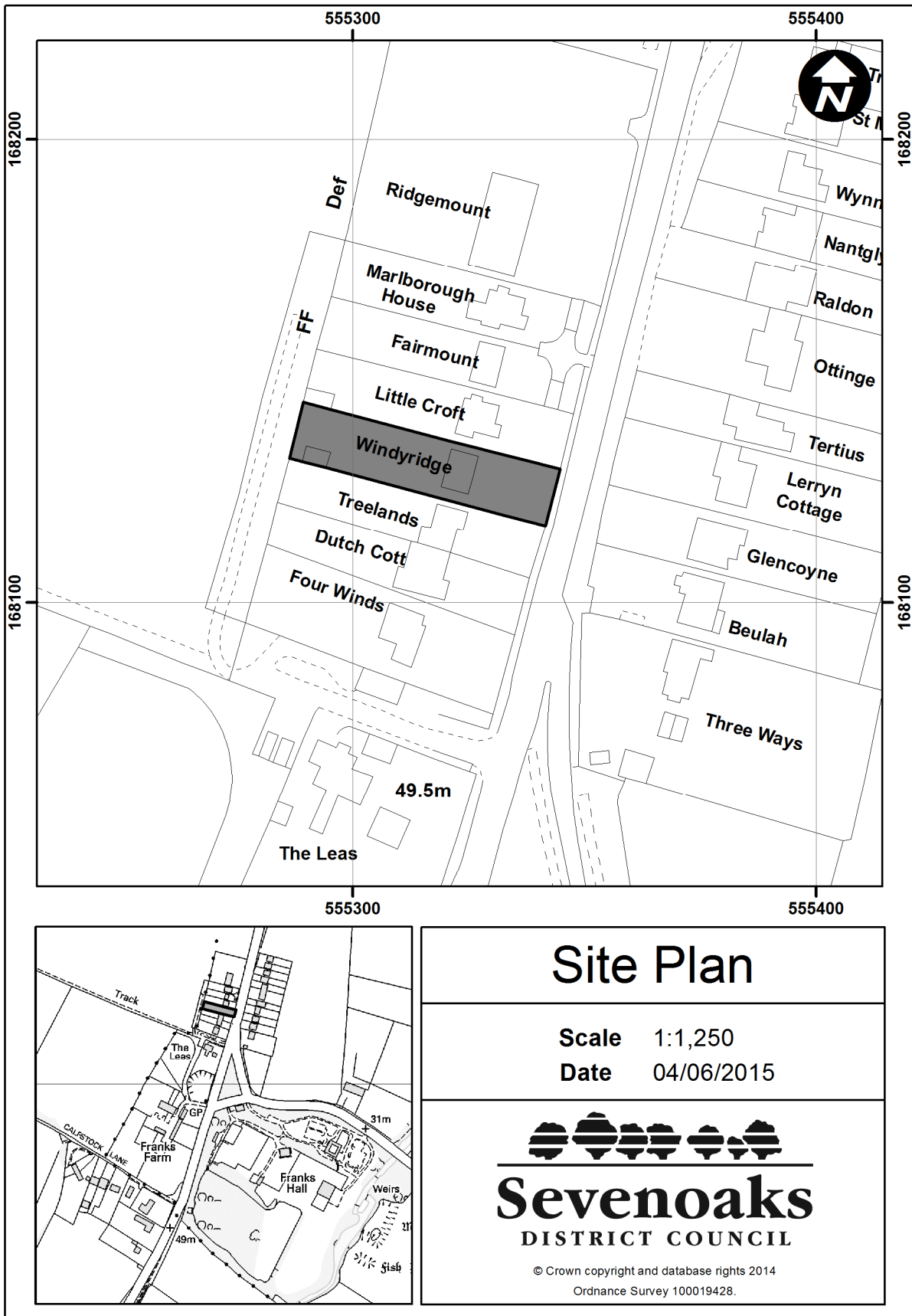
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NJ92W4BK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NJ92W4BK0L000>



Site Plan

Scale 1:1,250

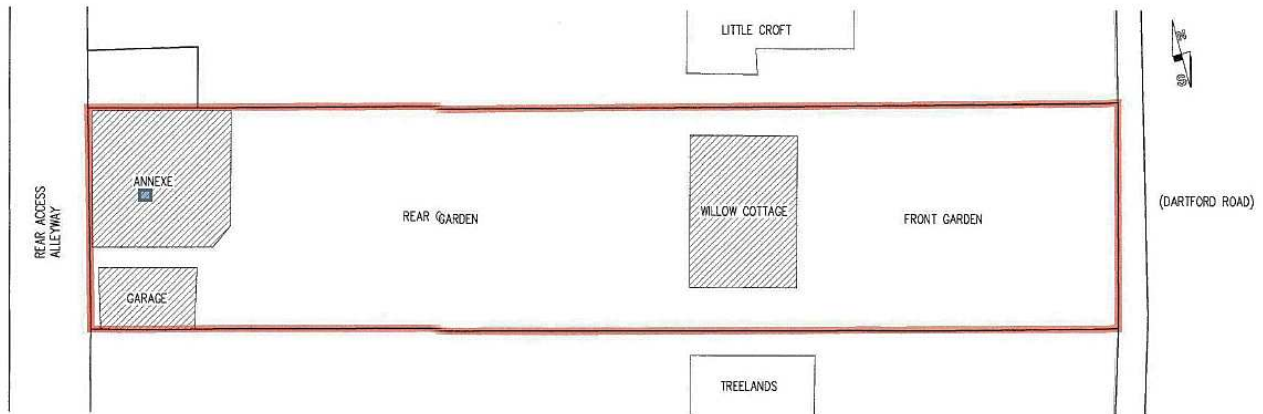
Date 04/06/2015



Sevenoaks
DISTRICT COUNCIL

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Ordnance Survey 100019428.

Proposed Block Plan



PROPOSED BLOCK PLAN

4.5 - SE/15/00808/FUL Date expired 20 May 2015

PROPOSAL: Demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling.

LOCATION: Land West Of Dairy House , Shoreham Road, Shoreham Sevenoaks TN14 7UD

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillors Lowe and Edwards-Winsor due to concerns about the proposed development being contrary to policy GB7 of the Allocations and Development Management Plan.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4576-PD-20/A; 21, S13/3878/01; 02.

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

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

To ensure that the appearance of the development enhances the character and appearance of the site and Kent Downs Area of Outstanding Natural Beauty as supported by Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

4) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing 4576-PD-20/A shall be provided and shall be kept available for the parking of cars at all times.

In the interests of highway safety and visual amenity as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

5) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas;

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- their location, species (use of native species where possible) and size;
- b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
 - c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
 - d) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. 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.

To preserve and enhance the visual appearance of the area as supported by policy 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 prevent inappropriate development in the Green Belt as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) 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 policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved. 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.

To ensure that historic building features are properly examined and recorded in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

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

and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved. 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.

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

10) Details of any outside lighting shall be submitted to and approved in writing by the Council before the first occupation of the development. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To mitigate the impact of development on nature conservation and to preserve the visual appearance of the area as supported by policies EN1, EN5 and GI1 of the Sevenoaks Allocations and Development Management Plan.

11) Prior to the commencement of development, full details of appropriate measures to mitigate and enhance the biodiversity and nature conservation value of the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the details so approved prior to the first occupation of the development. 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.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

12) No development shall take place until a bat mitigation strategy has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved. 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.

In order to mitigate the impact of the development on nature conservation site in accordance with policy SP11 of the Core Strategy (2011), policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

13) The hereby approved roof lights shall be conservation-style and fitted flush with the slope of the roof.

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

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the

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Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) 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.

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 Demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling.

Description of Site

- 2 The site is located within the Darent valley to the west of the A225 Shoreham Road and forms part of the historic complex of Preston Farm. The site shares an access road with Preston Farm. The application site comprises an old barn situated immediately to the west and within the curtilage of Dairy House (a residential dwelling), immediately north of Preston Farm and immediately east of an oast in use as an office building. The site benefits from open and panoramic views to the north. There are no trees of significant size or amenity value in close proximity to the site. The existing building is not statutorily listed and is not located within a designated conservation area.

Constraints

- 3 Metropolitan Green Belt
- 4 Kent Downs Area of Outstanding Natural Beauty
- 5 Area of Archaeological Potential

Policies

Core Strategy (2011)

- 6 Policies - SP1, SP2, SP11, L01, L08.

Allocations and Development Management Plan (2015)

- 7 Policies - EN1, EN2, EN4, EN5, EN6, GB9, T1, T2.

Other

- 8 National Planning Policy Framework
- 9 National Planning Practice Guidance
- 10 Development in the Green Belt SPD

Relevant Planning History

- 11 13/03718/FUL: Demolition of an outbuilding within the curtilage of Dairy House, subdivision of the plot and the erection of a four bedroom dwelling with two parking spaces. As amended by revised Location Plan received 13/2/2014. APPEAL DISMISSED 22.12.2014 (Decision appended at Appendix 1)

13/02972/FUL: Demolition of outbuilding within the curtilage of Dairy House, subdivision of plot and the creation of a new dwelling, relaying of the driveways, erection of post and rail fence and paved side access to barn. WITHDRAWN 29.11.2013

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Dairy House:

- 12 13/00671/LDCEX: Residential occupation of Dairy House, Preston Farm in non compliance with condition (iii) of planning permission SW/5/72/462(A) (agricultural occupancy condition). Granted 30-Apr-2013.

Consultations

Shoreham Parish Council:

- 13 *'Objection. An appeal was made to an earlier application on the same site. This appeal was dismissed. One of the reasons for dismissal was that the development was an inappropriate development, which could harm the openness of the Green Belt and the character of the area. It is felt that this reason applies to this application.'*

KCC Highways:

- 14 *'No objection.'*

KCC Public Rights of Way Officer:

- 15 (Summary) *'Public Rights of Way Footpath SR19 crosses the vehicle access track at its southern corner. I do not anticipate that it will be affected by the development other than a slight increase in the amount of vehicular traffic. There is good visibility at this point as long as the tree at the south-eastern corner of the field is kept cut well back.'*

KCC Ecology:

- 16 (Summary) *'We have reviewed the ecological information which has been submitted for comments and we are satisfied with the information which has been provided and we require no additional information to be provided prior to determination of the planning application. We advise that as bats are present within the building there is a requirement for bat mitigation to be incorporated in to the proposed building, if planning permission is granted, to maintain the favourable conservation status of the bat population. The submitted reports have provided an outline of the mitigation which is required – however if planning permission is required we recommend that a detailed mitigation strategy is submitted for comment as a condition of planning permission, if granted. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).*

The report has not recommended any mitigation/enhancements which can be incorporated in to the site. As such we recommend that further information is submitted for comment detailing ecological enhancements which are appropriate and can be incorporated in to the site.'

SDC Tree Officer:

- 17 *'I have no objections to this proposal but suggest that any additional planting is suitably indigenous and that the materials used for the proposed terrace are neutral in colour in order to fit into the wider landscape.'*

Natural England:

- 18 *'Natural England has previously commented on this proposal (SE/13/02972/FUL) and made comments to the authority in our letter dated 22 October 2013.*

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.'

Thames Water: (Summary)

- 19 *'Waste Comments*

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

Water Comments

- 20 *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

- 21 Neighbour notification letters were sent to occupiers of five properties in the vicinity of the site. A site notice and press notice were also displayed and published. The statutory consultation period ended on 07.02.2015. 4 letters of support received as summarised below:

- Design is attractive and sympathetic;
- Improvement to dilapidated barn;
- Addresses Planning Inspector's concerns.

Chief Planning Officer's Appraisal

- 22 The main issues relate to
- The principle of the development in the Green Belt, including whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the AONB;
 - If it is inappropriate development, whether the harm by reason of inappropriateness, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;

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- Residential amenity;
- Highways;
- Trees and Landscaping;
- Biodiversity and Ecology;
- Archaeology; and
- CIL.

Whether the proposal is inappropriate development:

- 23 Current Government advice, in the form of the NPPF, supports the protection of the Green Belts and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 24 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except for a limited number of exceptions, including:
- “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”*
- or
- “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 25 With regards to the first exception, the existing barn lies within the established residential curtilage of the Dairy House (as evidenced by the Lawful Development Certificate reference 13/00671/LDCEX) and is in use as an outbuilding in connection with the residential use of the Dairy House. Notwithstanding whether the replacement building would be materially larger than the existing, a residential dwelling would not be the *same use* as a building ancillary to a residential dwelling. Policy GB9 of the ADMP is also relevant here and states that proposals to replace an existing non-residential building in the Green Belt will be permitted where, amongst other things the replacement building would be within the same use as the building to be demolished. The proposals would therefore be contrary to policy GB9 and would not be appropriate development under the first exception.
- 26 With regards to the second exception to inappropriate development listed above, Annex 2 of the NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

- 27 use of the Dairy House, the existing barn clearly has agricultural origins and was historically used in conjunction with the agricultural use of the adjacent Preston Farm. However, in considering the recent planning appeal the Planning Inspector concluded that the agricultural use of the building and its associated land have been abandoned and so the exception to the definition of previously developed land above does not apply and on this basis the proposal is capable of constituting appropriate development, representing the redevelopment of a previously developed site (see para. 7 of Inspector’s decision).
- 28 Although the proposals would be contrary to policy GB9 of the ADMP, the NPPF allows for the redevelopment of previously developed sites where it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, which will be assessed below.

Impact on openness of the Green Belt

- 29 In light of paragraph 79 of the NPPF, which makes it clear that the essential characteristics of Green Belt are their openness and permanence, it is considered reasonable that any assessment of openness is based on a comparison of the existing and replacement buildings in terms of their footprint (ground floor), floor area (combined ground and first floors), size, height, bulk, volume and design and whether any of these elements, either individually or combined, would result in unacceptable harm to the openness of the Green Belt. The following table compares the footprint, depth, width and height of the existing and proposed buildings.

	Existing barn	Proposed dwelling	Difference
Footprint (sqm)	118.23	105.96	-12.27
Depth (north to south) (m)	6.6	6.6	0
Length (east to west) (m)	18	16.5	-1.5
Height to ridge (m)	7	7	0
Height to eaves (north) (m)	3.8	3.7	-0.1
Height to eaves (south) (m)	3.6	3.7	+0.1

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- 30 In considering the recent planning appeal the Planning Inspector concluded that the combination of the increased width of the house, particularly at first floor level, increased depth and raised ridge height would result in a materially greater impression of built form on the site than currently exists and would be particularly imposing at the southern elevation and the side elevations where there would be an appreciable reduction in the openness of the Green Belt (see para. 11 of Inspector's decision).
- 31 As revised, the replacement building would occupy a smaller ground floor footprint. It would also have a reduced width. The depth and ridge height of the building would remain unchanged and the proposed form would mirror the simple rectangular form of the existing barn. There would be no increase in bulk, mass or volume and for this reason I consider there would be no reduction in openness.
- 32 The proposed residential curtilage would be wholly taken from the existing residential curtilage of the adjacent Dairy House and subject to appropriate conditions to prohibit further development in terms of extensions or alterations or erection of outbuildings, the development would not result in any greater harm to openness than that resulting from the established residential use of the land associated with the Dairy House.
- 33 The proposed replacement building would not have a greater impact on the openness of the Green Belt than the existing building and would in my view constitute appropriate development in the Green Belt. On the basis that there would be no harm to the Green Belt, very special circumstances are not required to justify the development.

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

- 34 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Outside settlements, priority will be given to the protection of the countryside and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 35 The site is located within the Kent Downs Area of Outstanding Natural Beauty. The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. Policy LO8 of the Core Strategy recognises the importance of the visual quality of the landscape and requires development to respect the countryside by having no detrimental impact upon the landscape character. Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy EN5 of the ADMP states that proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

- 36 In considering the previous appeal the Planning Inspector concluded that the design of the building, being of a traditional house, with extensive fenestration and roof lights on the northern elevation and the conventional two-storey design of the southern elevation would change the countryside character and landscape quality of the area (see para. 16 of the Inspector's decision).
- 37 As revised the form and design of the whole building would more closely mirror the simple form and agricultural origins of the existing barn, which comprises a rectangular footprint with lean-to additions. The Kent Downs AONB Management Plan identifies that the Kent Downs has a rich tradition of half-timbered and weather-boarded buildings and the proposed development would be consistent with this. The existing concrete blockwork wall to the north elevation is not sympathetic to the buildings setting and the proposals would in my view both conserve and enhance the AONB as required by policy EN5. As now proposed the number of openings and roof lights in the more prominent north elevation has been significantly reduced and full height timber shutters incorporated at front and rear to retain the barn aesthetic. As revised and subject to conditions to require the use of conservation-style roof lights I consider the development would have no harmful visual impact either in long views from the public highway or shorter views from the public right of way that passes through Preston Farm.
- 38 The locality has a rural character and in my view the proposed dwelling would be sensitive to the context of the other farm buildings nearby and compatible in terms of scale, height, density and site coverage. Subject to appropriate conditions to ensure the use of high quality vernacular materials the proposed development would conserve and enhance the character, appearance and landscape and scenic beauty of this part of the Kent Downs AONB.

Residential amenity:

- 39 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 40 The proposed dwelling would have no harmful impact on the residential amenities of occupiers of the Dairy House, located immediately to the east of the site. This is by virtue of the proposed building being set further away than the existing barn and behind the established building line. Subject to conditions to secure an appropriate boundary treatment with the Dairy House and to obscure glaze the ground floor level window in the flank elevation the development would have an appropriate relationship with that building. The only other residential building in the vicinity of the site is the farmhouse located approximately 20m south of the site. Again by virtue of the separation distance and respective orientations of the two buildings the development would not result in any harm to the amenities of the occupiers.
- 41 The future occupiers of the proposed four-bedroom dwelling would enjoy a satisfactory amenity in accordance with relevant policy.

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Highways:

- 42 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. The development would provide safe vehicular access via the shared access drive from Shoreham Road consistent with the Dairy House and other dwellings and commercial uses within the former Preston Farm complex. The development would benefit from dedicated forecourt parking for 2 cars in compliance with relevant parking standards and would not cause any harm to highway safety.

Trees and landscaping:

- 43 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases. As existing there are a number of trees and mature shrubs on the site; however none are protected and they offer little visual amenity value. It is proposed to retain existing planting on the north boundary (which acts as a screen with the neighbour) and several trees at the rear and side. The proposed development offers the opportunity to implement a comprehensive hard and soft landscaping scheme (including boundary treatment) which would enhance the appearance of the site and it is recommended further details be required by appropriate condition in accordance with the Tree Officer's comments and relevant policy.

Biodiversity and Ecology:

- 44 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 45 A bat survey has identified that the existing barn is used as a roost for bats, albeit is of low significance. The Kent Ecology Officer was previously satisfied with the details provided subject to appropriate conditions relating to further details of proposed mitigation, details of suitable ecological enhancement measures and details of proposed external lighting.

Archaeology:

- 46 The site is located within a designated Area of Archaeological Potential. Policy EN4 of the ADMP seeks to ensure the preservation of important archaeological remains. The Kent County Council Archaeology Officer previously identified that the application site is part of the historic complex of Preston Farm, a courtyard farm dating from at least 19th century and that the barn itself is potentially one of the few surviving remnants of this post medieval farm complex. Whilst no

archaeological objections are raised to the proposal it is recommended that a brief programme of historic building recording work is undertaken prior to demolition, followed by monitoring of ground works for the new build. It is recommended that this be secured by condition.

CIL:

- 47 The application is accompanied by a CIL Additional Information Form which identifies that the development would be CIL liable. A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of The Community Infrastructure Levy Regulations 2010 (as amended).
- 48 The applicant has submitted a Self Build Exemption Claim Form: Part 1 and has confirmed all the declarations required and would therefore be exempt from CIL.

Conclusion:

- 49 It is considered that the proposed development addresses the objections upheld by the Planning Inspector in consideration of the previous planning appeal, including in terms of the design and massing of the proposed building. Most notably, it is considered that the replacement of the existing residential outbuilding with a new dwelling within an existing residential curtilage would now represent appropriate development in the Green Belt and would not be harmful to openness. The development would be sensitive to the local context and in terms of design and materials would respect the local vernacular. The development would conserve and enhance the scenic beauty of the Kent Downs AONB. Subject to appropriate conditions, the development would not be harmful to the amenities of neighbouring occupiers. Conditions would ensure the development would not have any unacceptable impacts in terms of landscaping, ecology or archaeology.

Recommendation: Grant planning permission subject to conditions and issue CIL exemption

Background Papers

Site and Block plans

Contact Officer(s): Mr M Durling Extension 7448

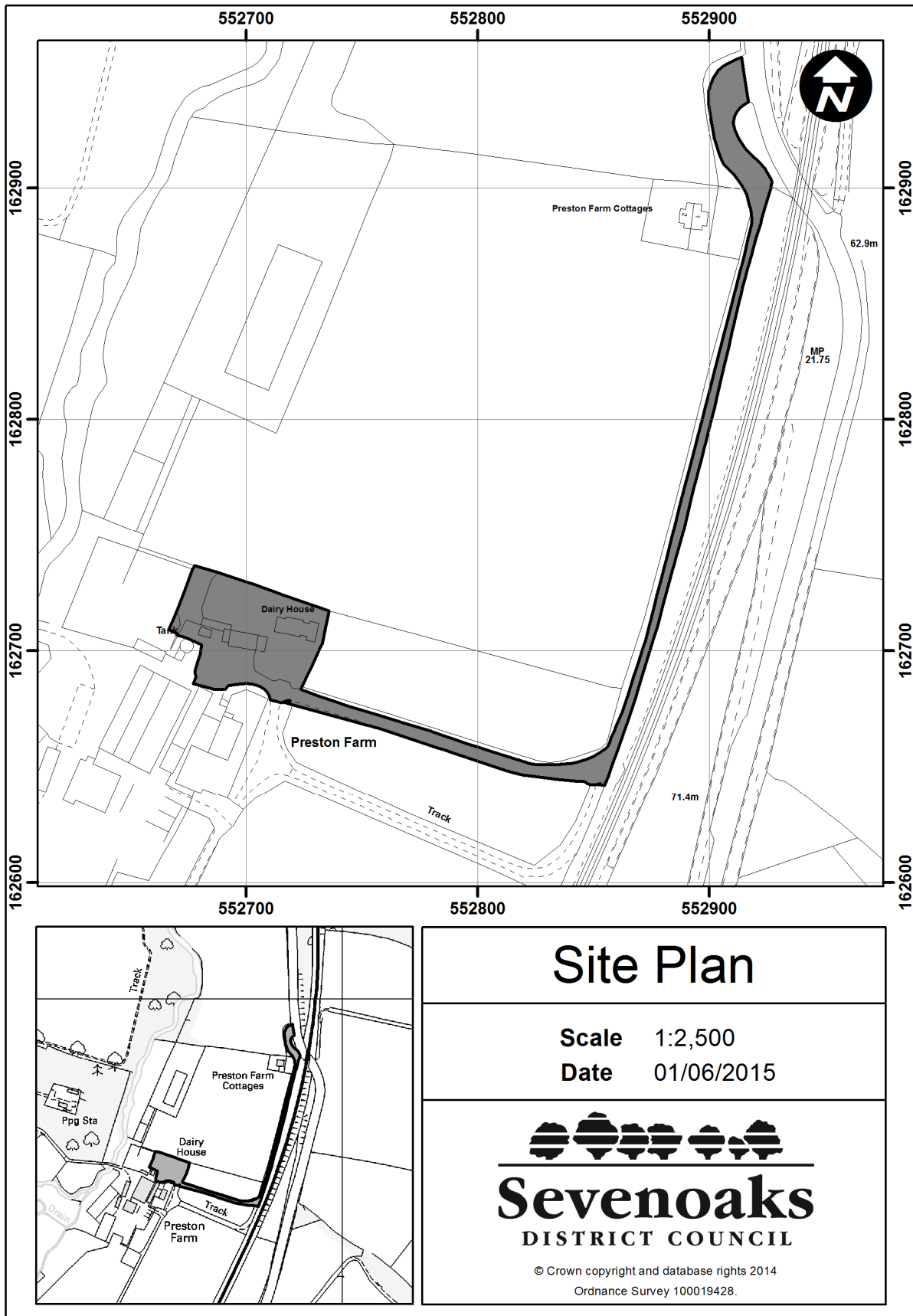
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NLD8R7BKJ1X00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLD8R7BKJ1X00>



Site Plan

Scale 1:2,500

Date 01/06/2015



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Ordnance Survey 100019428.

Block Plan





Appeal Decision

Site visit made on 18 September 2014

by **C J Leigh BSC(HONS) MPhil MRTPI**

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

Decision date: 22 December 2014

Appeal Ref: APP/G2245/A/14/2221755

Dairy House, Preston Farm, Shoreham Road, Sevenoaks, Kent, TN14 7UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Montgomerie Knight against the decision of Sevenoaks District Council.
 - The application Ref SE/13/03718/FUL, dated 9 December 2013, was refused by notice dated 29 April 2014.
 - The development proposed is demolition of a dilapidated large outbuilding within the curtilage of Dairy House and the creation of a new dwelling.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - first, whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework;
 - second, the effect of the proposal on the openness of the Green Belt and on the character and appearance of the surrounding area; and
 - third, if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. The appeal site lies within a complex of farm buildings, some of which are evidently not now in agricultural use, set within a valley to the west of Shoreham Road. The appeal concerns a former barn that is sited immediately next to the residential dwelling of Dairy House, and is within the curtilage to that property. The main parties agree that the barn building is in use as an outbuilding in connection with the residential use of Dairy House (confirmed by the issuing of a Lawful Development Certificate ref. 13/00671/LDCEX), and I saw that use at my site visit through an internal inspection.
4. The appeal site lies within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework sets out the circumstances in which the construction of new buildings will not be considered as inappropriate development. Criterion 4 allows for the replacement of a building, provided that

the new building is in the same use and not materially larger than the one it replaces. The proposals would not satisfy this criterion since the existing building on the site is not a residential dwellinghouse: it is a building ancillary to a residential dwelling, ie not an independent dwellinghouse that would fall within Class C3 of the Use Classes Order 1987 (as amended).

5. Criterion 6 of paragraph 89 allows for the partial or complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. To interpret this, regard must be paid to the definition of previously developed land as contained in Annex 2 of the Framework, which reads as follows: *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'*
6. The main parties differ in their interpretation as to whether this criterion applies. The building that stands on the appeal site was originally an agricultural barn, and on that basis the Council consider the land in question *'has been occupied'* by an agricultural building. But it is evident that the building has had a superseding ancillary residential use for some time, now confirmed by the Lawful Development Certificate. Furthermore, from what I have read and seen, there is no prospect that the building and the land might revert to an agricultural use: it is now within a fully-formed residential curtilage and is in ancillary residential use.
7. Thus, there is a new chapter in the planning history of the building and the appeal site. On this basis, I tend to agree with the appellant's submission that the agricultural use of the building and its associated land have been abandoned, and so the exception to the definition of previously developed land within Annex 2 which relates to land that has been occupied by agricultural buildings does not apply.
8. There is a further exclusion within Annex 2 that I must consider. The building in question is part of a residential curtilage, and Annex 2 excludes *'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'* from the definition of previously developed land. The appeal site is part of a private residential garden, but it does not lie in a built-up area as defined in the Sevenoaks Core Strategy 2011 and Sevenoaks Local Plan 2008. The wording of Annex 2 is not expressed so as to specifically seek to exclude land outside built-up areas as being previously developed land: the wording solely refers to *'land in built-up areas'*. On this basis, I consider the exception to the definition of previously developed land within Annex 2 which relates to private residential gardens in built-up areas does not apply.
9. The redevelopment of the appeal site therefore has the potential to fall within criterion 6 of paragraph 89, in that it represents the redevelopment of a previously developed site. However, that is not the end of the matter in

considering whether such development is not inappropriate. The criterion continues to allow for such development where it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This requires an appraisal of the proposed scheme itself.

10. The existing building has a simple form, with gable ends and consistent ridge and eaves heights. The proposed replacement house would see an increase in the ridge over that which currently exists by 0.6m, though with a gabled end to the roof. The eaves on the southern side of the building would be higher by between 1.5m and 2.1m, whilst those on the northern side lower by around 0.7m to 1.3m. The proposed house would have a greater depth than the existing building, with a projecting front bay. Whilst the frontage of the building would reduce from that which currently exists, I note that at present there are two single-storey elements to either side of the building: the proposed dwelling would have a longer frontage than the full-height element of the existing building. Overall, the volume over that which exists on the site would be increased.
11. I acknowledge from the submitted drawings, and as shown in the detail above, that the applicant has sought to minimise the size and massing of the proposed house. However, I consider there would be a materially greater impression of built form on the site than currently exists. This would arise from the width of the house – which is greater at first floor level than the current building – combined with the increased depth of the building and raised ridge height. These elements would lead to a notably larger mass of building at upper levels than can be seen on the site, and would be particularly imposing at the southern elevation and the side elevations, where there would be an appreciable reduction in the openness of the Green Belt.
12. The hipped roof design, lower eaves height on the northern elevation, reduction in building width due to the absence of single storey projections, and the siting of the building would not sufficiently reduce this impact. I therefore concur with the concerns of the Members of the Development Control Committee of 24 April 2014 who refused permission for the proposal, as reported in the Minutes to that Meeting.
13. On the first issue it is therefore concluded that the proposed development would have a greater impact on the openness of the Green Belt than the existing development. The proposal therefore represents inappropriate development. By definition this is harmful to the Green Belt and, in accordance with paragraph 88 of the Framework, I attach substantial weight to this harm.

Openness of Green Belt and character and appearance

14. The width, depth and height of the proposed dwelling would lead to an encroachment of built form, and I saw at my site visit this would be visible in the wider area, including from public footpaths. This would lead to a reduction in openness of the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
15. The proposed development would conflict with this guidance and so further harm would occur, and conflict would arise with Policies LO1 and LO8 of the

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Core Strategy and Policy GB9 of the emerging Sevenoaks Development Management Plan Submission Draft (DMP) 2013 which, amongst other matters, only permits new development in Green Belt areas that is compatible with Green Belt policy and would not harm the openness of the Green Belt.

16. The existing building still retains the appearance of its former agricultural use. The design of the proposed building is very much more of a traditional house, with extensive fenestration on the northern elevation at ground level and many roof lights, whilst the southern elevation would appear as a two storey house of fairly conventional, albeit traditional, design. This would change the character of the area from where one can see a remnant of the traditional relationship of a barn situated close to the remaining farmhouse, to the appearance of two houses in the countryside.
17. This would represent a diminishment to the countryside character and landscape quality of the area, which lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). This is a further failing of the proposed development and would be contrary to the objectives of Policies LO1, LO8 and SP1 of the Core Strategy, saved Policies EN1 and EN7 of the Local Plan, and Policy EN1 of the DMP which, amongst other matters, seek to ensure a high standard of design in new development and to protect the landscape quality of the AONBs.

Other considerations

18. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Following the recent Court of Appeal decision in *Redhill Aerodrome Ltd*¹, the previous High Court decision of Patterson J² has been overturned.
19. The appellant and the Council point to the design of the proposed development. This is a matter that I have commented upon earlier and the design would not represent a consideration that is particularly special, nor sufficient to outweigh the identified harm. I also consider the identified harm and conflict with Green Belt policy to outweigh the appellant's intention to provide a dwelling with high sustainability credentials.
20. It has been noted that the existing dwelling of the Dairy House has permitted development rights that would enable the erection of outbuildings within the curtilage, and that a grant of permission for the new dwelling might allow such rights to be removed from the new dwelling and so lead to the appeal site not being subject to future proposals for outbuildings. Any proposals for outbuildings erected under permitted development rights would be subject to the usual criteria that are applicable to the site's location within an AONB and other factors that limit size, siting, etc. Whilst that may allow some new outbuildings, I must balance that theoretical possibility against the specific harm identified in the current proposals. I consider the harm and consequent conflict with the Framework and the development plan to outweigh this consideration.

¹ *Redhill Aerodrome Ltd v SSCLG, Tandridge DC, Reigate and Banstead BC* [2014] EWCA Civ 612.

² *Redhill Aerodrome Ltd v SSCLG, Tandridge DC, Reigate and Banstead BC* [2014] EWHC 2476 (Admin).

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21. On the matter of very special circumstances, I conclude that the substantial harm by virtue of being inappropriate development, the harm to the openness of the Green Belt, and the harm to the character of the area lead to clear conflict with the Framework and the development plan and this outweighs all other matters. The appeal therefore fails and planning permission is not granted.

C J Leigh

INSPECTOR

4.6 - SE/15/00912/HOUSE Date expired 20 May 2015

PROPOSAL: Demolition of existing garage and conservatory. Erection of a two storey front, side and rear extension (with one velux window to side elevation) and a single storey rear extension. Erection of a new porch.

LOCATION: 12 Knole Road, Sevenoaks TN13 3XH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Purves for the following reasons: detrimental impact on the street scene, overbearing impact on the neighbour at no. 13 Knole Road, cramped development and excessive bulk.

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 windows to be located at first floor level on the side elevation (north-west) shall be obscure-glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, at all times.

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

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 4007-PD02 Rev E

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,

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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.

Description of Proposal

- 1 'Demolition of existing garage and conservatory. Erection of a two storey front, side and rear extension (with one velux window to side elevation) and a single storey rear extension. Erection of a new porch.'
- 2 The application seeks the approval of the demolition of the existing garage and conservatory and the erection of a two storey front (north-eastern) extension, a single storey porch with canopy wrapping around that front (north-eastern) and side (south-eastern) elevations, the erection of a two storey side (south-eastern) extension, and a two storey and single storey rear (south-western) extension. Fenestration changes are also proposed.

Description of Site

- 3 The application site comprises a two storey detached property located on the south-western side of Knole Road, Sevenoaks. The site is situated within the ward of Sevenoaks Eastern.

Constraints

- 4 Area of Archaeological Potential.

Policies

Sevenoaks District Core Strategy

- 5 Policies – LO1, SP1

Sevenoaks District Allocations and Development Management Plan (ADMP)

6 Policies – SC1, EN1, EN2, T2

Other

7 The National Planning Policy Framework (NPPF)

8 Residential Extensions Supplementary Planning Document (SPD)

9 Sevenoaks Residential Character Area Assessment SPD

Planning History

10 14/03118/HOUSE - Demolition of existing garage and conservatory and the erection of two storey front and side extensions and single storey rear extension – Refused

Consultations

11 Sevenoaks Town Council notes that this proposal represents a changed version of the proposal refused under application SE/14/03118/HOUSE, including the addition of a two storey extension to the rear of the property.

12 Sevenoaks Town Council recommended refusal on the following grounds:

1. The proposed 2-storey side and rear extensions would create an unacceptably overbearing impact on the residential amenities of No.13, increased by its proximity on a very steep gradient.
2. The proposed 2 storey side extension would be too close to No.13 and would thus eliminate the important wide gap between the houses, noted as a positive feature in the street scene and illustrated in the Residential Character Area Assessment SPD.
3. The proposed gap between the proposed side extension and No.13 falls far short of what should be acceptable on a corner site in order to be in accordance with the Residential Extensions SPD.
4. The design proposed at the rear of the house does not blend with the rest of the host building, with two areas of flat roof at odds with the pitched roof which is a characteristic feature.

Representations

13 One letter has been received from the Holly Bush Residents Association Sevenoaks objecting to the proposal. The reasons for objecting can be summarised as follows:

- Overdevelopment of the site
- Excessively bulky form
- Loss of space between property and adjoining dwelling detrimental to the streetscape – spacing important to avoid cramped and over developed appearance.

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- Bulk and windows would give domineering relationship with adjoining property and cause overlooking.
 - Roof of single storey rear extension awkward and unresolved in relation to the rest of the proposal.
- 14 Four different neighbour letters have been received objecting to the proposal. The concerns raised in these neighbour letters can be summarised as follows:
- Proposal does not overcome reasons for refusal – not much change in the gap between properties. From several angles no gap will be evident between the host property and neighbouring properties – does not overcome issue of terracing.
 - Believe site would classify as corner plot under the Residential Extensions SPD and that a gap of over 1 metre would be needed to provide less of an impact.
 - Porch unacceptable – hard against the boundary and extends forward of building line which no other properties have done.
 - Neighbouring properties have not extended forward of building line.
 - Sets precedent for large extensions.
 - Two storey rear extension would be dominating from garden of 13 Knole Road
 - Two storey rear extension would be intrusive, reduce light and obscure sun in relation to 13 Knole Road.
 - Loss of light to 14 Knole Road.
 - Two storey rear extension and first floor side windows will overlook 11 Knole Road.
 - Two storey rear extension intrusive to 11 Knole Road.
- 15 The following concerns are not material planning considerations and cannot be considered within this application:
- Loss of view of Knole Park
 - Two storey rear extension blocks view to south from 11 Knole Road.
 - Development will cause a lot of noise and vehicle congestion due to deliveries.

Chief Planning Officer's Appraisal

Principle issues

Impact on character and appearance of the area

- 16 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para 56). Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the

distinctive local character of the area in which it is situated. Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.

- 17 The Residential Character Area Assessment SPD outlines that this part of Knole Road is visually separated from and completely different in character to the northern older section of Knole Road. It outlines that the road consists of 2 storey detached houses and bungalows set back along a short cul de sac with a regular building line and spacing between buildings. The Residential Character Area Assessment SPD outlines positive features to include a regular building line with gaps between, consistent materials, and long views eastwards across the area from the adjoining recreation ground. The design guidance for this SPD outlines that the regular building lines and space between buildings should be respected, development should not significantly detract from views eastwards across the area from the adjoining recreation ground, the harmonious palette of red/brown brick, pastel painted render, brown hung and brown plain tiles roofs should be respected, and mature trees and hedged boundaries which contribute to the character of the road should be retained.
- 18 This application follows previous refusal 14/03118/HOUSE which was refused for the following reason: *'The proposed development would have a detrimental impact upon the character and appearance of the host dwelling and street scene through the addition of a dominating two-storey extension which is unsympathetic in size and design to the host dwelling, and with the two-storey side extension to the south-east resulting in the loss of the characteristic gaps between buildings seen within this section of Knole Road. As such the development is contrary to the National Planning Policy Framework and policies EN1 of the Sevenoaks Local Plan, EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan, and contrary to the Sevenoaks Residential Character Area Assessment SPD.'* The submitted scheme has been revised to make the proposed side extension narrower, increasing the gap between the application property and neighbouring property 13 Knole Road.
- 19 Within refusal 14/03118/HOUSE the two storey side extension was stepped along the south-eastern boundary. Towards the north-eastern end (that nearest the front), the extension projected at ground floor level 2.4 metres from the side wall for the length of 1 metre, after which it projected 2.9 metres from the side wall for the length of 2.15 metres, and after this it would have projected 4 metres from the side wall for the length of 3.9 metres. At first floor level the refused extension would have projected 2.9 metres from the side wall for the length of 3.7 metres, after which it would project 4 metres from the side wall for the length of 3.9 metres. The difference was due to an indent at ground floor level of 1 metre by 0.4 metre at the north-eastern most part of this two storey side extension. Within this application the proposed canopy and single storey side extensions project 2.25/2.3 metres from the side elevation and the two storey side extension projects 2.85 metres from the side elevation. Consequently the previously proposed stepped nature of the side extension refused in application 14/03118/HOUSE has been removed in this application, retaining a larger gap between the application property and 13 Knole Road.
- 20 A two storey front (north-east extension) is proposed to the north-western end of the front elevation. This extension would project 1 metre from the existing front

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wall with a width of 3.3 metres. At ground floor this replaces the existing porch. This element would have a ridge height of 6.3 metres, set well below the ridge of the host property, and an eaves height of 4.6 metres, in line with the eaves of the host property, presenting a gable end feature to the street scene. The Residential Extensions SPD outlines that particular care should be given to the design of front extensions because of their prominence at the front of the property. This guidance outlines that front extensions may be acceptable where there is already considerable variety in the building line, there are already projecting elements such as gables facing the street, a front extension would enhance the townscape by increasing the visual attractiveness to an otherwise unexceptional street scene, the extension is to a detached house where there is no strong visual relationship with adjoining properties, where the extension does not involve the loss of off street parking spaces or trees that are importance to the character of the area. The SPD outlines that where an extension is acceptable, the roof should match the roof of the original house in style in order to complement the existing building and the character of the area. Flat-roofed extensions are unlikely to be permitted unless these are already a characteristic of the locality.

- 21 From visiting Knole Road it is clear that the application site and neighbouring property 13 Knole Road are of similar designs and the remaining properties are of a variety of designs. The neighbouring property 11 Knole Road has two gable end projection features on the front elevation which were a first floor addition under application 04/02511/FUL for 'extension to front at first floor level'. With the existence of gable end projections on the street, it is considered that the creation of a gable end projection on the front elevation of the application site would not be harmful to the character and appearance of the street scene. In regards to the building line on the street, the application site is set back from the neighbouring properties 11 and 13 Knole Road. It is considered that a 1 metre addition would not harm the building line on this street. The proposed front extension would have eaves to match the host property, and the ridge would be set lower than the host property. In addition the pitch of the roof used on this gable end projection would match the pitch used on the host property. These elements assist in reducing the impact of the proposal. It is considered that this element would be acceptable.
- 22 A single storey porch with canopy is proposed to wrap around the front (north-east) and side (south-west) elevations to join a proposed single storey side extension. The Residential Extensions SPD outlines that porches have an important effect on the appearance of a dwelling and on the street scene and can be successfully incorporated where there are appropriate to the scale of the dwelling and its features. The proposed porch and canopy would project 1.3 metres from the front elevation, and the canopy would project 2.3 metres from the existing side elevation. The height would be 3.3 metres to ridge and 2.3 metres to eaves, roofed to match the host property. It is considered that the proposed porch with open canopy would appear as a clearly subservient addition to the host property and would not harm that character and appearance of the host property and street scene. Concerns were raised in a neighbour letter that the porch would be hard against the boundary and extend forward of the building line, which would be unacceptable. The proposed porch would not be hard against the boundary, with the porch being 2.8 metres away from the boundary with 13 Knole Road and the open canopy being 0.5 metres away from the boundary with 13 Knole Road. It is considered that the proposed front porch and open canopy would not harm the building line of Knole Road, with the application property being set back from the neighbouring properties and the proposed porch and

canopy being relatively small scale. It is considered that this element would be acceptable.

- 23 A single storey side (south-east) extension is proposed, projecting 2.25 metres from the side elevation, set back 0.3m from the front elevation with a depth of 1.2 metres. This element would have a height of 3.6 metres to ridge and 2.45 metres to eaves. The Residential Extensions SPD outlines that a side extension should not dominate the original building, which can be helped by reducing the bulk of the extension, setting it back from the front elevation, and introducing a lower roof. The proposed single storey side extension would be set back from the front elevation with a lower roof. It is considered that this element would not dominate the host property and would not harm the character and appearance of the street scene or host property.
- 24 To the rear of this single storey extension, a two storey side (south-east) extension is proposed. This extension projects 2.85 metres from the side elevation, is set back 1.5 metres from the front elevation, slightly extends the ridge line of the host property and incorporates the existing characteristic roof design on the front elevation and then follows the roof line down to a lower ridge of 4.1 metres with a catslide design. It is considered that the proposed two storey side extension would not dominate the host property, and would appear as a subservient addition to the host property. The Residential Extensions SPD outlines that where there is a pattern of gaps between properties within a street, as a guide a minimum of 1 metre between the side wall of a two storey extension and the boundary is normally desirable. The proposal allows a gap of 1.1 metres increasing to 3.7 metres due to the angle of the property in connection with the boundary. The size of the proposed two storey extension has been reduced from the previous refusal, with an additional section which projected further than 2.85 metres from the side elevation being removed. The reduction in bulk of the side extension reduces the impact of the extension on the characteristic gapping between properties.
- 25 The properties on the turning head of Knole Road are characterised by two storey dwellings with single storey garages. A pattern of large gaps is apparent between 14 and 15 and 13 and 14 Knole Road, with these having a gap at first floor of over 7 metres. The gap between 12 and 13 Knole Road is currently about 3.82 metres at its closest point, increasing to 8.73 metres due to the angle of the properties. The gap between 11 and 12 Knole Road is approximately 3.12 metres. Within the previously refused scheme it was considered that the proposed side extension would result in a terracing effect between 12 and 13 Knole Road, with the side extension stepping out to follow the angle of the boundary. Within this refused scheme the two storey side extension left a smallest gap of 2 metres between the application property and 13 Knole Road, with this gap located 0.2 of a metre back from the front elevation of the application property, with this gap increasing to 6 metres towards the rear of the property. Within this current application the smallest gap would be approximately 3 metres between 12 and 13 Knole Road, with this point set back 1.5 metres from the front elevation of 12 Knole Road, increasing to 8 metres. It is considered that the reduction in the size of the extension has assisted in reducing the impact of the proposed extension on the nature of space between buildings on Knole Road. When viewed from the street scene, the reduction in the size of the side extension compared to the previously refused scheme would reduce the impact upon the gapping seen in the street, with a clear gap remaining at first floor,

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particularly with the set back of the two storey element and the use of a catslide roof which assists in reducing the height.

- 26 The proposed two storey side extension would project past the existing rear (south-west) elevation by 4 metres. This element would also project off the host property. The width would be 4.5 metres with a height ridge height of 6.5 metres, well below the ridge of the host property, and an eaves height of 4.6 metres on the north-western side of this extension to match the host property, reducing to 3.9 metres on the south-eastern side. This element would have a hipped roof with a pitch to match the host property. It is considered that this rear extension would not harm the character and appearance of the host property, and would not be visible from the street scene. The proposed extension is roofed to match the host property and set well down from the ridge of the host property, and appears as a clearly subservient addition.
- 27 To the north-west of the above rear projection a single storey rear extension is proposed projecting 4 metres from the rear elevation of the host property and 2.3 metres from the side elevation of the proposed two storey rear extension. This element would have a hipped roof with a pitch to match the host property. To the south-east of the proposed two storey rear extension it is proposed to erect a single storey extension projecting 2.2 metres from the side (south-east) of the side elevation of the proposed two storey rear extension. This element would project past the proposed south-eastern elevation and would have a hipped roof with a pitch to match the host property. It is considered that these elements would not harm the character and appearance of the host property, being relatively small scale. The use of a hipped roof on these elements creates a more attractive design which compliments the host property. It is considered that these elements would not harm the character and appearance of the street scene being single storey and complimenting the host property in design.
- 28 It is considered that the proposed extensions to the property would fit well with the host property and street scene. It is considered that the proposed extensions do not appear as a bulky addition but appear as clearly subservient additions which compliment that host property.
- 29 Fenestration changes are proposed to the windows on the front (north-east), side (north-west) and rear (south-west) elevations of the host property. On the front elevation it is proposed to insert two new windows at first floor and one at ground floor, on the side (north-west) elevation it is proposed to remove one window at ground floor and one window at first floor and insert a smaller window at first floor, on the rear elevation it is proposed to remove one large window at first floor and replace with a smaller window. It is considered that the proposed fenestration changes would not harm the character and appearance of the host property or street scene.
- 30 Concern was raised in a neighbour letter that the application site would be defined as a corner plot within the Residential Extensions SPD, section 4.38, and as such a larger gap than 1 metre between the proposed extension and boundary should be retained. This section of the Residential Extensions SPD relates to dwellings which are bordered by two roads, not properties in a cul-de-sac. This is not the case in this situation and this section of the Residential Extensions SPD is not relevant to the application.

- 31 When considered as a whole, it is considered that the amended scheme is a large improvement to the previously refused scheme. Concern has been raised in a consultation response that the proposal would be overdevelopment of the site. It is considered that the proposed works would not constitute overdevelopment of the site, with a large rear garden being retained. It is considered that the revised scheme appears as an attractive addition to the host property and overcomes the previous reasons for refusal. Therefore the proposal will not detract from the visual amenity of the locality as it complies with policy EN1 of the ADMP and is also in line with the Sevenoaks Residential Character Area Assessment and Residential Extensions SPD.

Impact on neighbouring amenity

- 32 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 33 The properties potentially most affected by the proposed extension would be the neighbouring properties of numbers 11 and 13 Knole Road.
- 34 The proposal incorporates the insertion of one new window at first floor level in the north-western elevation facing 11 Knole Road serving a cupboard and one new window at first floor in the proposed rear extension which serves a bedroom which is also served by a window on the rear (south-west) elevation. It is considered that a condition should be attached requiring these windows to be obscure glazed and non-opening unless the part which can be opened is 1.7 metres above the floor level of the room in which the window is inserted. On the south-eastern elevation a rooflight is proposed at loft level. It is considered that this rooflight would not result in overlooking. It is considered that the new windows on the rear and front elevations would not result in overlooking concerns, having much the same view as those existing. It is considered that there would not be an unacceptable loss of privacy as a result of this proposal.
- 35 The Council's Residential Extensions SPD indicates that a '45 degree' test should be applied to assess whether the proposal would lead to a significantly harmful loss of light to habitable rooms of neighbouring properties. For a significant loss of light to occur, the proposal would need to fail the 45 degree test on both plan and elevation form. The proposed extensions pass the 45 degree test in relation to 11 Knole Road. In relation to 13 Knole Road, due to the setting of 12 and 13 Knole Road, the 45 degree test indicates that any impact of the proposed extensions would be on the side elevation of 13 Knole Road. The side elevation of 13 Knole Road contains one window at ground floor level. This window does not serve a habitable room. As such the proposal is unlikely to result in a significantly harmful loss of light to habitable rooms of neighbouring properties.

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- 36 A neighbour letter raised concerns that the proposal would result in a loss of light to 14 Knole Road. 14 Knole Road is located over 17 metres away from the application dwelling and the 45 degree test indicates that no. 14 will not experience loss of background daylight or even sunlight.
- 37 Concerns have been raised in neighbour letters that the proposed two storey rear extension would be intrusive to 11 and 13 Knole Road. The proposed two storey rear extension would be located between 3.8 and 5.4 metres from the boundary with 13 Knole Road, and between 10.4 and 11.8 metres from the boundary with 11 Knole Road. Due to this distance it is considered that that the proposed two storey rear extension would not be overbearing to the neighbouring properties. It is also considered that the other proposed elements would not result in an overbearing impact or loss of sunlight, due to the positioning of the house and the distance between properties.
- 38 The development would not result in an unacceptable loss of privacy, daylight, or private amenity space to the surrounding residents or the site itself. As such, on balance it is considered that there will not be an objectionable harm to neighbouring amenity.

Other issues

Off-street vehicle parking provision

- 39 The proposal increases the dwelling-house from three bedrooms to four. As such two independently accessible parking spaces are required under Kent County Council Interim Residential Vehicle Parking Standards. From visiting the site it is clear that there is adequate space on site for at least two independently accessible parking spaces.

Access issues

- 40 There will be no change to access.

Conclusion

- 41 I consider that the proposed development would not harm neighbouring amenity nor the character and appearance of the street scene. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Contact Officer(s): Hannah Weston Extension: 7387

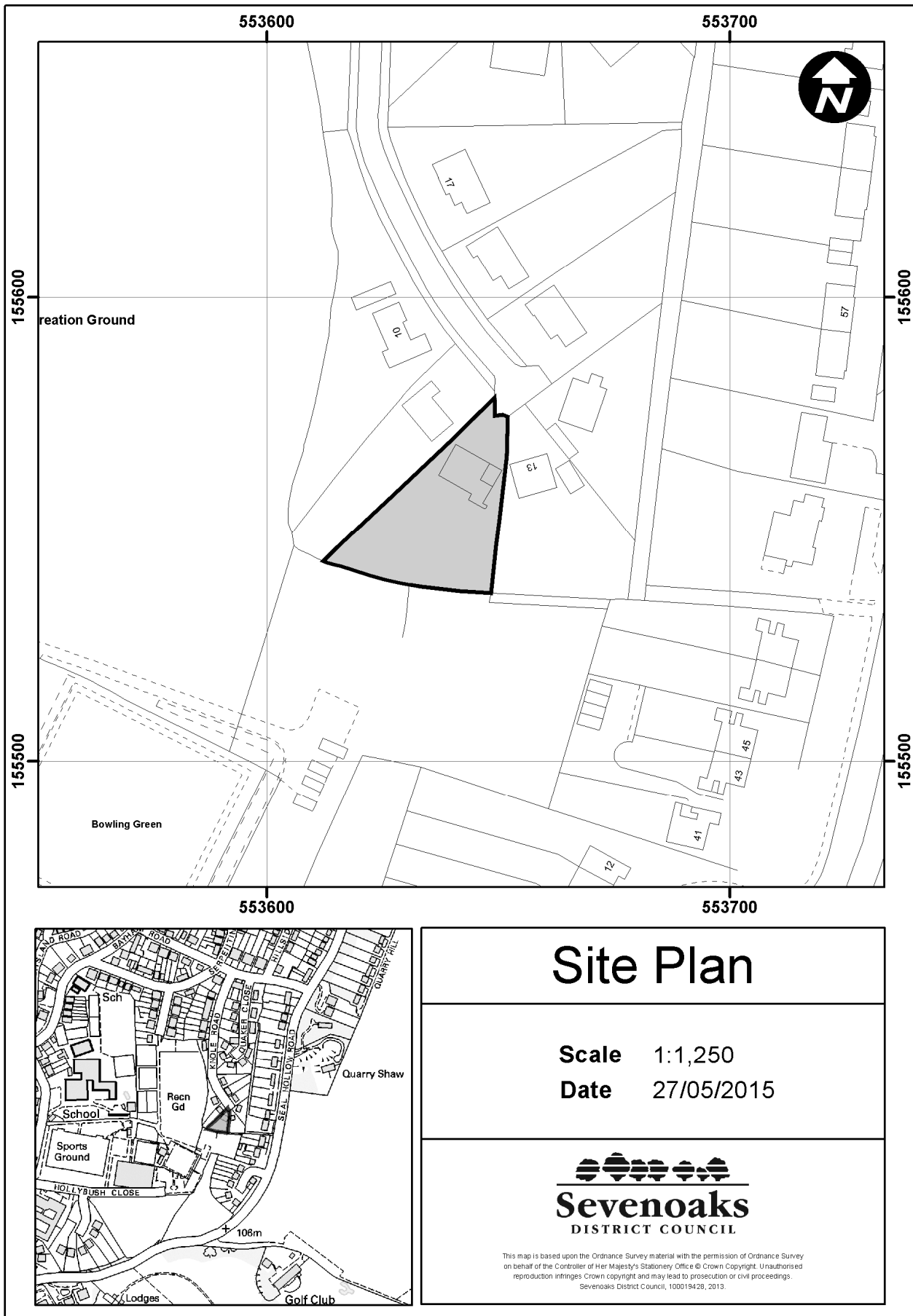
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NLSOIMBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLSOIMBK0L000>





4.7 – SE/15/01324/TELNOT Date expired 26 June 2015

PROPOSAL: Installation of a dual user monopole radio base station accommodating 6no.antenna and 1no.dish.

LOCATION: Vodafone Ltd, Vodafone Communication Station, Telecommunications Equipment North Of 79 St Davids Road, Hextable, Kent

WARD(S): Hextable

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Mrs Morris to discuss neighbours concerns regarding noise and maintenance.

RECOMMENDATION: No Objection Lodged

Description of Proposal

- 1 The proposal involves the replacement of an existing 18.25m high monopole with a new 17.65 metre monopole. The new mast will accommodate 6 no. antennas on a support head frame. There will also be 1 no. 300mm transmission dishes.
- 2 The proposal involves the installation of new equipment within an existing cabin.

Description of Site

- 3 The site is an existing phone mast set on the south west corner of private land which fronts St David's Road.
- 4 The proposal is within the Green Belt and on the edge of the settlement of Hextable, therefore the site is on the threshold between residential development and open fields.
- 5 The existing mast is 18.25m high.

Constraints

- 6 Green Belt

Policies

ADMP:

- 7 Policy – GB9

Sevenoaks Core Strategy:

- 8 Policy – L08

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Other

- 9 National Planning Policy Framework

Planning History

- 10 SE/96/01718/HIST - Proposed 20m high pole mast and antennae. Removal of 12m high pole mast and antennae existing equipment cabinet replaced with new. (Revised location of mast-amended by plan 23/12/96). REFUSED

Note on the planning history

- 11 It is noted that the above application was refused, and that the original mast on site was given as being 12m high.
- 12 Enforcement records from 1998 show that concerns were raised by neighbours relating to a replacement mast on the site. The matter was investigated and the file shows that while a 20m high mast was refused, records show that a notice was received on 4th November 1997 for a 15m pole mast on the site, and this was confirmed to be permitted development under the then current Schedule 2, Part 24 Town and Country Planning (General Permitted Development) Order 1995.
- 13 It is noted that the current mast on site is now 18.25m high, and there are no planning records for when this work was carried out.
- 14 However, based on the information available, it appears that this work was carried out in excess of 4 years ago, and would therefore be lawful through time and immune from enforcement action.
- 15 Therefore it has been concluded that the mast as it currently exists on site is lawful.

Consultations

Parish / Town Council

- 16 HPC strongly objects due to concerns about the present constant noise from the cooling system increasing which is a loss of amenity to the residents.
- 17 The access for maintenance is not appropriate at the junction in Puddledock Lane. The residents object to the parked vehicles on their private land outside their houses to maintain the mast.
- 18 Although we understand we can only comment on the proposal we would like to say that if it were 50-100metres further back in the field there would be no objection.

KCC Highways

- 19 No response.

Dartford Borough Council

- 20 No response.

Ward Councillors

21 No response.

Representations

22 Neighbours consulted – 69

23 10 representations have been received which raise the following concerns

- Noise from equipment cabin/cooling plant
- Highway safety
- Design
- Oppressive to neighbours
- Lack of screening/security fencing
- That existing mast on site was refused
- Close proximity to School and Parent's Consortium Premises
- The mast should be moved to a different location within the site.

Chief Planning Officer's Appraisal

24 This proposal is not a planning application, as under the Town and Country Planning Country (General Permitted Development Order) 2015 the proposal is considered to fall within the permitted development limits of Part 16.

25 Assessing the scheme under the prior approval process it is for the Local Planning Authority to consider the siting and appearance of the development.

26 In addition to the above, Section 5 of the National Planning Policy Framework (NPPF) supports high quality communications infrastructure.

27 Paragraph 43 states that, 'to keep telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network.

28 Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.'

29 In addition, paragraph 43 states that, 'existing masts, buildings and other structures should be used unless the need for a new site has been justified.'

30 Paragraph 45 of the NPPF sets out a list of evidence that should be included to justify the proposed development,

- Consultations with an interest in the proposed development;
- That the possibility of mast sharing has been explored and a statement which self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines will be met.

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- 31 Local Planning Authorities are encouraged to determine applications on planning grounds.

For the purposes of assessing this application, this report will consider the following.

- Whether the proposal complies with the requirements of the NPPF
- The need for the mast
- Impact on the openness of the Green Belt
- Whether the siting and appearance of the development is appropriate.

Whether proposal complies with the requirements of the NPPF

- 32 In the Supplementary Information submitted, the agent has included details of consultations carried out with interested parties, including local Ward Members.
- 33 An INCIRP form has been submitted with the application, which confirms that it meets International Commission Guidelines.
- 34 Therefore the proposal complies with para.45 of the NPPF.

The need for the mast

- 35 The applicant has submitted the following information,
- The site is a mast share between Vodafone Ltd and Telefonica UK. Plan to jointly manage the site;
 - That technological advances have allowed a decrease in the size of the mast by 0.6m
 - The application is for the replacement/improvement of an existing mast, the need for which has already been established.
- 36 Sharing the mast between two network operators is in line with NPPF guidance and will reduce the need for additional masts in the area.
- 37 As stated in the Supplementary Information the upgrade of the mast will improve 3G/4G in the area, specifically the current 4G coverage is not meeting customer demand. This improvement is in line with The Code of Best Practise on Mobile Phone Network Development.
- 38 Therefore it is not disputed that there is a need for this equipment.

Green Belt

- 39 The proposal is also in the Green Belt where strict polices of constraint apply.
- 40 Paragraph 89 of the NPPF states that replacement buildings in the Green Belt are appropriate where they are in the same use and not materially larger than the one they replace.
- 41 The proposal would be considered a building.
- 42 At a local level Policy GB9 states that the building should be
- a) lawful and permanent in nature

b) the design and volume of the replacement building should not be materially larger than the 'original' building and would not materially harm the openness of the Green Belt

c) the replacement building would be in the same use as the one it replaces.

- 43 As discussed above, it is accepted that the existing mast on site is lawful and permanent in nature, and would therefore comply with criterion a) of GB9.
- 44 The proposal would also have an impact on the openness of the Green Belt. The proposed mast is in the same use as the one it replaces in accordance with criterion c) of GB9 and the NPPF.
- 45 However, if it is accepted that the original mast on site was 12m high, then the proposed mast would exceed this by 5.65 m. In my view that is materially larger than the original mast, and would materially harm the openness of the Green Belt.
- 46 It would therefore be considered inappropriate development when assessed against policy GB9 of the ADMP.
- 47 However, the NPPF puts weight on the existing building rather than the original. In this instance the proposed mast will result in a 0.6 reduction in height over the existing, which would result in less harm to the Green Belt by virtue of height, bulk and prominence.
- 48 As a result of the above, the proposal would be considered appropriate development in the Green Belt when assessed against National Policy, and it would be unreasonable to refuse the scheme for non compliance with GB9 of the ADMP.

Siting and appearance of mast and equipment

- 49 In assessing whether this proposal is acceptable, the Local Planning Authority should consider whether it's siting and appearance is acceptable and in line with the advice in the NPPF. They should also consider whether the equipment is sympathetically designed and camouflaged where appropriate.
- 50 Policy EN1 of the Allocations and Development Plan (ADMP) states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 51 Concerns have been raised regarding the siting of the mast close to neighbouring residential properties and the school.
- 52 Suggestions have also been put forward for alternative locations of the mast within the existing site, and request for additional screening and security fencing have also been made. However the Local Authority has a duty to assess the application before them.
- 53 The mast can be seen from many vantage points along St David's Road, from the gardens of neighbouring properties, and from the footpath that runs along the southern boundary of the site.

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- 54 There are mature trees and hedges that offer some screening when the mast is approached from the south, but it is more clearly visible from public vantage points to the north and east.
- 55 Therefore it is acknowledged that the site is a prominent structure in this edge of settlement location. However, the existing structure on site is well established, and the replacement would result in a smaller mast that would have less impact on the street scene than existing.
- 56 The proposed mast is also very similar in design and materials to the one it replaces. The cabinet at the base of the mast will also remain unaltered in terms of size and appearance.
- 57 Given the above discussion, although the proposal will remain a prominent feature within the street scene, the overall appearance of the mast will not be significantly altered and the height will be reduced. Given this the street scene will remain largely unaltered from existing.
- 58 Therefore the siting and appearance of the mast are found to be acceptable. The proposal will comply with policy EN1 of the ADMP and the NPPF.

Neighbour amenities

- 59 Policy EN2 of the ADMP states that proposals will be permitted where they provide adequate residential amenities existing and future occupiers of the property. This will include a consideration of noise, vibration, odour, air pollution, activity of vehicle movements, overlooking, visual intrusion or unacceptable loss of light or privacy. The Supplementary Planning Document for Householder Extensions (SPD) offers further guidance.
- 60 The mast will be visible from a number of rear gardens along St David's Road, however this is already the case with the existing mast.
- 61 Therefore the impact on outlook and daylight from these properties will not be significantly altered.
- 62 The majority of representations have raised concern about noise, however the cabinet at the base of the mast will remain the same size as existing and no additional equipment is being applied for.
- 63 Therefore, based on the evidence in front of me it is concluded that the proposal would comply with EN2 of the ADMP.

Other Issues

Lack of screening/security fencing

- 64 As already mentioned above, the Local Authority has a duty to assess the application before them. Whilst it is acknowledged that further screening and security fencing would be preferable, the Local Authority has no power to enforce this under local and national policy. Therefore it would be unreasonable to refuse the application on these grounds.

Close proximity to School and Parents' Consortium Premises

- 65 The concerns regarding the close proximity of the mast to children is also noted. However, paragraph 46 of the NPPF states that Local Planning Authorities should not determine applications on health grounds if the proposal meets International Commission guidelines for public exposure. The agent has submitted an ICNIRP certificate, and therefore the application cannot be refused on these grounds.

Access Issues

- 66 Concerns have also been raised regarding highway safety, chiefly the parking of maintenance vehicles on grass verges which belong to residents of St David's Road. Although I sympathise with these concerns, this is not something the Local Planning Authority has control over. This is a civil matter which should be addressed to the agent directly.

Conclusion

- 67 The proposal is inappropriate development in the Green Belt. However, the very special circumstances of the removal of the larger existing mast on sight clearly outweigh the harm through inappropriateness and any other harm. Therefore the proposal would comply with the NPPF.
- 68 The proposal will not have an unacceptable impact on the character of the area, or the amenities of neighbouring properties. The proposal will therefore comply with policy EN1 and EN2 of the ADMP.
- 69 Given the above no objection would be raised.

Background Papers

Site and Block Plan

Contact Officer(s): Deborah Miles Extension: 7360

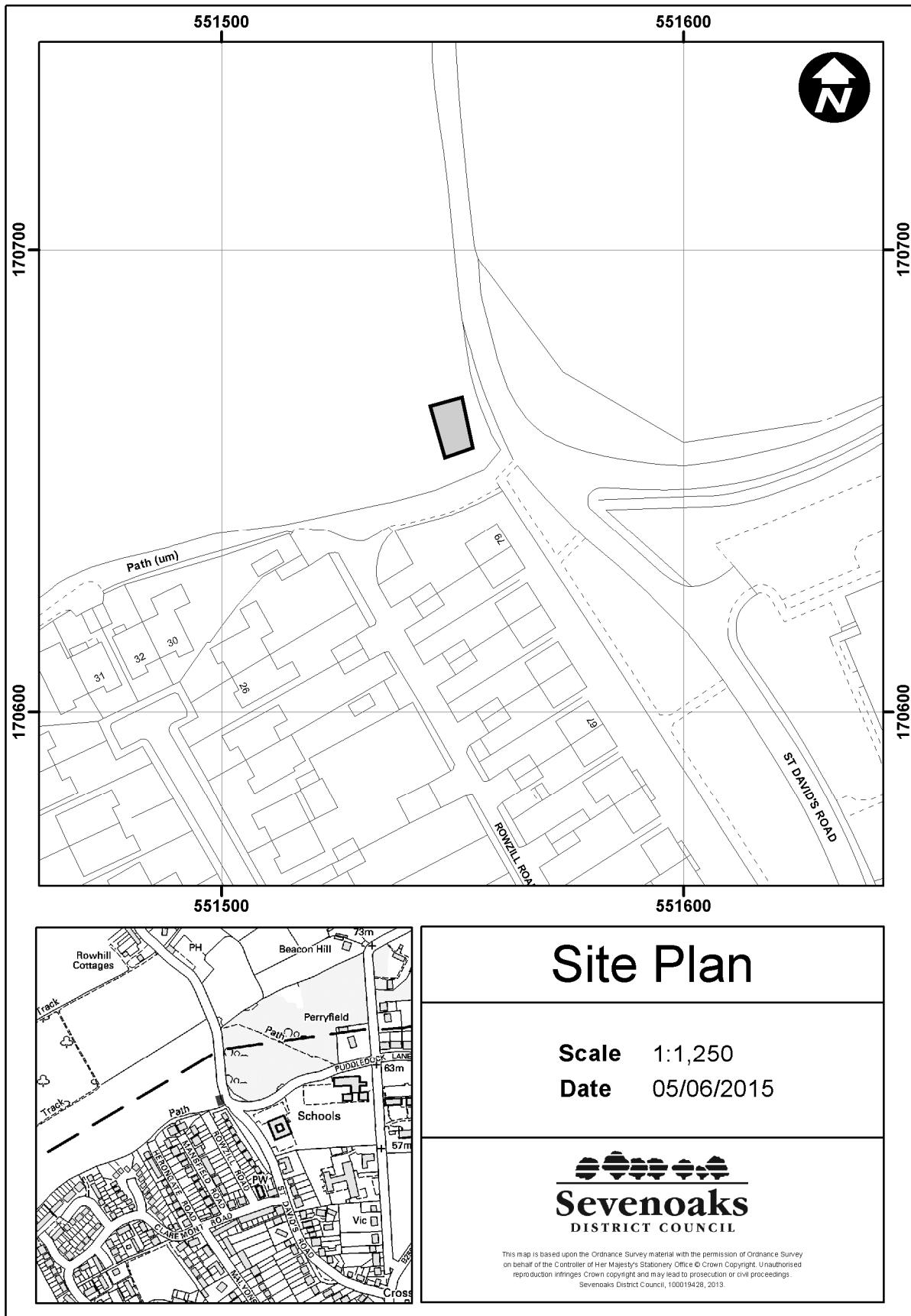
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN027YBK0KW00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NN027YBK0KW00>



Site Plan

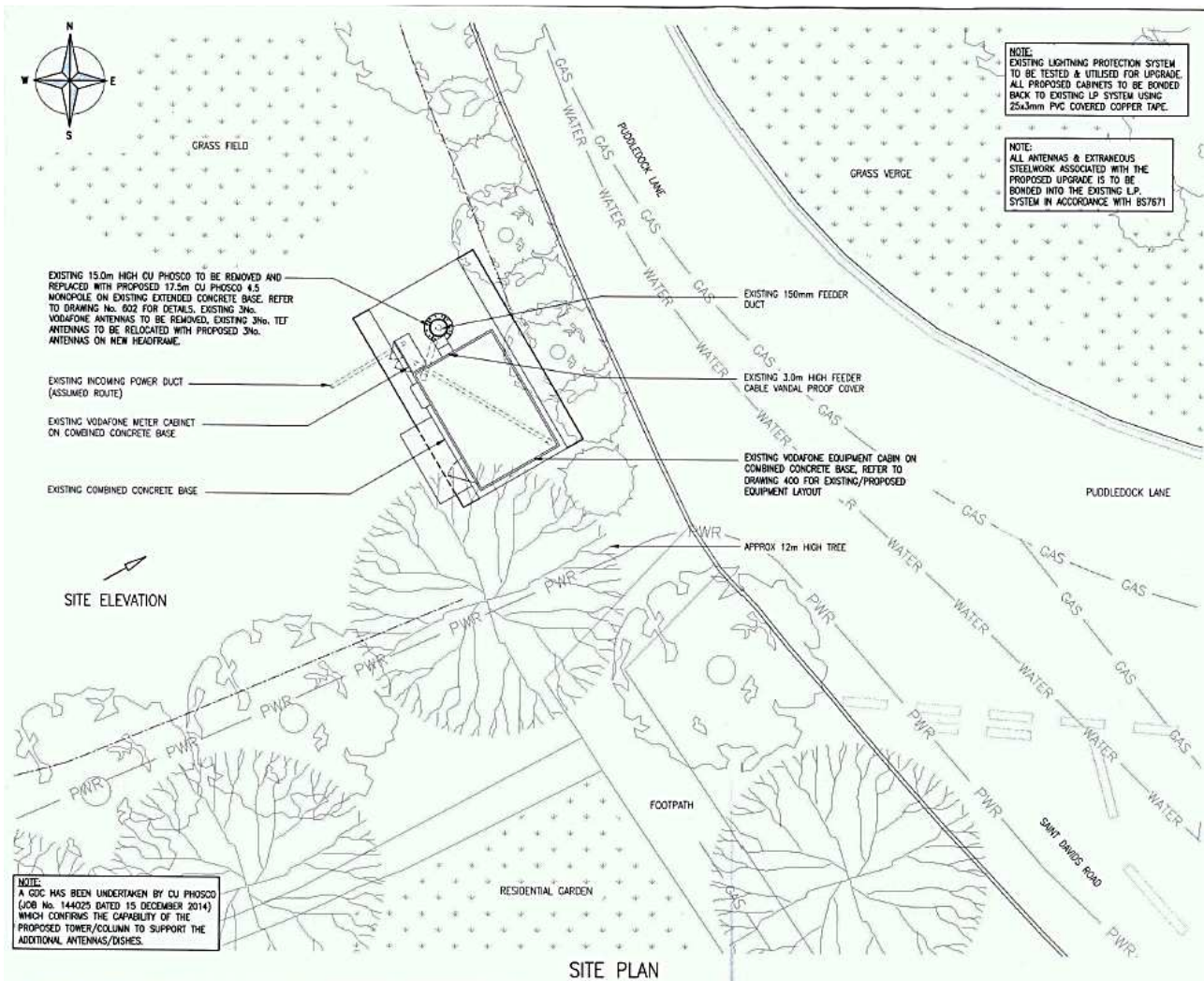
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Date 05/06/2015



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Block Plan



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