

07 July 2016 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks  
Despatched: 29.06.16



# Development Control Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton  
Cllrs. Ball, Barnes, Bosley, Brown, Clark, Cooke, Edwards-Winsor, Gaywood, Hogg,  
Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Reay and Miss. Stack

## Agenda

	<b>Pages</b>
Apologies for Absence	
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 16 June 2016, as a correct record.	(Pages 1 - 10)
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered	
3. <b>Declarations of Lobbying</b>	
4. <b>Planning Applications - Chief Planning Officer's Report</b>	
4.1 <b>SE/15/03912/FUL - Entrance Gates at Wildernesse Avenue, Sevenoaks TN13 OEA</b> Provision of oak vehicular & pedestrian gates at junctions of Wildernesse Avenue with Seal Hollow Road, Park Lane & A25	(Pages 11 - 28)
4.2 <b>SE/16/01213/FUL - Asda Stores Ltd, London Road, Swanley BR8 7UN</b> Erection of a single storey side extension to the existing Asda Store	(Pages 29 - 38)
4.3 <b>SE/16/01200/HOUSE - 6 Plymouth Drive, Sevenoaks TN13 3RW</b> Erection of a single storey side extension. Alterations to fenestration.	(Pages 39 - 48)

## EXEMPT INFORMATION

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.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227247 by 5pm on Monday, 4 July 2016.

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

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

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

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 16 June 2016 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Barnes, Bosley, Brown, Clark, Cooke, Edwards-Winser, Gaywood, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves and Reay

An apology for absence was received from Cllr. Miss. Stack

Cllrs. Dr. Canet, Clack, Dickins, Eyre, Fleming, Hogarth, Lindsay and Piper were also present.

6. Minutes

Resolved: That the minutes of the Development Control Committee held on 19 May 2016 be approved and signed by the Chairman as a correct record.

7. Declarations of Interest or Predetermination

The Chairman read a statement from Cllr. Miss. Stack declaring that she was predetermined in respect of Minute 8 - SE/16/00918/FUL - Bradbourne Car Park, Bradbourne Park Road, Sevenoaks TN13 3YD and so gave her apologies for the meeting.

8. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 8 - SE/16/00918/FUL - Bradbourne Car Park, Bradbourne Park Road, Sevenoaks TN13 3YD.

Unreserved Planning Applications

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

9. SE/16/01023/FUL - Land North East Of Magistrate Court, Morewood Close, Sevenoaks, Kent

The proposal was for the temporary change of use and formation of a car park (up to 12 months) with access and associated arboricultural works. It had been referred to Committee as the District Council was the applicant for the submitted scheme.

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Members' attention was brought to the [first late observation sheet](#), which set out 5 additional recommended conditions, amendments to recommended conditions 2, 6, 8 and 9 in the report and an additional informative.

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

- 1) This planning permission is granted for a temporary period of twelve months only, from the date of this permission. By the date this permission expires, the rubber mesh matting, tarmaced vehicular access and associated works shall be removed, the car park use shall cease and the site shall be restored in accordance with a landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority. To ensure that the existing grassland re-establishes the landscaping scheme shall include a simple long term management plan for the site.

To reflect the temporary nature of the development and in order to safeguard the longer term function of the land as an allocated employment site, in accordance with policy EMP1 of the Sevenoaks Allocations and Development Management Plan and policy SP8 of the Sevenoaks Core Strategy.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/11402/01, DHA/11402/02 and 11403-T-01 Rev.P4.

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

- 3) The development shall be carried out wholly in accordance with the Arboricultural Impact Assessment & Arboricultural Method Statement dated 8th April 2016.

To secure the retention of the mature trees on the site and adjacent to it and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) The surfacing of the first 5m of the access from the edge of the highway shall be made up of a bound material.

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

- 5) The new access to the temporary car park and the pedestrian crossing area shown on the approved plans shall be completed prior to the temporary car park use of the site hereby approved commences and shall be maintained thereafter until the temporary use ceases.

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

- 6) No development shall be carried out on the land until a comprehensive Construction Management Plan, which should include (i) details of car parking for construction personnel, (ii) undertaking that no vehicles will be permitted to reverse into or out of the site except under the supervision of a banksman, (iii) details of wheel washing facilities and procedures, and (iv) proposed times for construction work to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with the Code of Construction Practice dated 20 May 2016.

In the interests of highway safety and amenity as supported by policy 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.

- 7) The rubber mesh system approved to be laid for the temporary car park shall be installed, regularly inspected and maintained in accordance with the manufacturer's instructions to ensure that the rubber mesh system meets the expected performance of the product.

To avoid impacts on the surface water drainage capacity of the site as supported by the National Planning Policy Framework.

- 8) The recommendations, mitigation and enhancements contained within sections 4 and 5 of the Extended Phase I Habitat Survey, dated March 2016, and section 4 of the Reptile Report Survey, dated May 2016, shall be fully adhered to.

To ensure the long term retention of biodiversity in the area as supported by the National Planning Policy Framework and policy SP11 of the Core Strategy.

- 9) Prior to the commencement of the use of the temporary car park by the public details of measures to minimise the risk of crime that are to be incorporated into the development, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED), have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the first use of the temporary car park and thereafter retained.

In the interest of security, crime prevention and community safety and in accordance with the National Planning Policy Framework and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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- 10) No works shall be carried out to the highway until a S278 Agreement has been entered into with the Highways Authority.

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

- 11) The visibility splays shown on the approved plan drawing number 11403-T-01 Rev.P4 shall be provided and maintained with no obstructions over 0.6 metres above carriageway level within the splays prior to the use of the site commencing.

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

- 12) The mitigation and enhancements detailed within the submitted reptile survey report dated May 2016 shall be fully implemented. No development works can commence (including vegetation clearance) on site until the reptile mitigation has been completed.

To ensure the long term retention of biodiversity in the area as supported by the National Planning Policy Framework and policy SP11 of the Core Strategy.

- 13) Prior to any works to trees on the site being carried out an ecologist must examine the site and if any nesting birds are present all works in that area must cease.

To ensure the long term retention of biodiversity in the area as supported by the National Planning Policy Framework and policy SP11 of the Core Strategy.

- 14) No lighting shall be installed on the site until details of lighting has been submitted to and approved in writing by the Local Planning Authority. Lighting shall then be installed in accordance with the approved details.

To ensure the long term retention of biodiversity in the area as supported by the National Planning Policy Framework and policy SP11 of the Core Strategy.

#### Informatives

- 1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack. 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) The applicant should be aware of the need to gain the appropriate consents prior to erecting any signage within or around the application site.

### Reserved Planning Applications

The Committee considered the following planning applications:

10. SE/16/00918/FUL - Bradbourne Car Park, Bradbourne Park Road, Sevenoaks TN13 3YD

The proposal was for construction of a multi storey car park on the surface of an existing car park to provide three levels (ground, first and second) of decked parking. It had been referred to Committee because the Council was both the applicant and the landowner.

Members' attention was brought to the main agenda papers and the [first](#) and [second late observations sheets](#), which set out further representations received and recommended an additional condition following a further representation from Kent Highways, to control construction deliveries and site parking.

The Committee was addressed by the following speakers:

Against the Application:	Adam Oliver
For the Application:	-
Parish Representative:	Cllr. Schneider
Local Members:	Cllr. Clack Cllr. Fleming

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendations in the agenda, as amended by the late observations sheet, be agreed.

Members discussed the impact of the development on the neighbouring amenity at The Acorns, the design and scale of the proposals and the character of the area, the impact on air quality, the level of parking required in Sevenoaks, the Transport Assessment and whether the congestion impact would become severe.

The motion was put to the vote and it was

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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 samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials. 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 is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) No development shall commence until the tree protection measures have been installed in full, as set out in the Arboricultural Implications Assessment by Higginson Associates. The approved measures shall be retained on site for the duration of the development, and no works, storage or activities within a protected area shall take place unless specifically set out in the above report or agreed in writing by the Local Planning Authority.

To protect existing trees on site, in order to safeguard the character of the area and soften the impact of the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) Notwithstanding the submitted plans, no trees shall be removed on the site other than those specifically shown for removal on the Tree Protection Plan submitted with the Arboricultural Implications Assessment by Higginson Associates, unless agreed otherwise in writing by the Local Planning Authority.

For the avoidance of doubt and in order to safeguard the character of the area and soften the impact of the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) Notwithstanding the submitted information, the building hereby permitted shall not be used as a car park until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new



plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The landscape works shall be carried out in accordance with the approved details. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species. 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 safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 6) The car park hereby permitted shall not be used for vehicle parking until the implementation of a scheme for the closure of the public car park known as the Sennocke car park on Hitchen Hatch Lane and the removal of 70 existing season ticket permits for commuters on Mount Harry Road and Hitchen Hatch Lane, the details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to such first use. If the Sennocke car park is re-opened as a car park in the future, then the equivalent number of spaces in the multi storey car park hereby permitted shall be removed from use.

To accord with the terms of the application, and to prevent an accumulation of parking spaces in the area, which would add to traffic generation and impacts in the area and has not been considered in the Transport Assessment submitted with the application, in accordance with policies SP2 of the Core Strategy, EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 7) Prior to first use of the car park, a minimum of 12 disabled parking spaces (to include a 1.2 metre safety and access zone to the side and rear of each space) shall be provided and marked out on the ground floor of the site, unless justification for a smaller number has been submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be maintained for disabled parking.

To provide safe and easy access for those with disabilities, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) Prior to first use of the car park, a minimum of 2 electric charging points shall be provided and maintained within the car park, and infrastructure shall be provided to accommodate an additional 8 future charging points.

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To encourage the use of low emission vehicles, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

- 9) No development shall take place until a remediation strategy, based on the findings and recommendations of the Ground Investigation Report by Geo Environmental, to deal with the risks associated with potential contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a discovery strategy should contamination be found that was not previously identified in the Ground Investigation Report. The scheme shall be implemented as approved.

In order to ensure that potential contamination is treated appropriately, in accordance with the National Planning Policy Framework.

- 10) The car park hereby permitted shall not be used until a verification report, demonstrating completion of works set out in the approved remediation strategy, has been submitted to and approved in writing by the local planning authority. The report shall include evidence to demonstrate that the remediation criteria have been met.

In order to ensure that potential contamination is treated appropriately, in accordance with the National Planning Policy Framework.

- 11) No lighting shall be installed to the car park hereby permitted, unless full details of such lighting together with evidence to demonstrate that it would conform with the limitations in table 2 (based on an E3 Environmental Zone) of the Guidance Notes for the Reduction of Obtrusive Light by the Institute of Lighting Professionals, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

To avoid unnecessary light pollution and unacceptable impacts upon neighbouring properties, in accordance with policies EN2 and EN6 of the Sevenoaks Allocations and Development Management Plan.

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

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 13) The disposal of surface water shall be undertaken in full accordance with the drainage details provided by CTP and submitted with the application, unless otherwise approved in writing by the Local Planning Authority. The car park shall not be used until such measures have been installed in full.

To ensure appropriate drainage is provided for the development, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 14) The development hereby permitted shall be carried out in accordance with the following approved plans: BRA-BBA-ZO-ZZ-DR-A-01001 D5 Rev P2, BRA-BBA-ZO-ZZ-DR-A-01002 S2 Rev P, BRA-BBA-ZO-GF-DR-A-02001 D5 Rev P3, BRA-BBA-ZO-01-DR-A-02001 D5 Rev P3, BRA-BBA-ZO-ZZ-DR-A-03001 D5 Rev P4, BRA-BBA-ZO-ZZ-DR-A-03002 D5 Rev P4 and BRA-BBA-ZO-ZZ-DR-A-04002 D5 Rev P4

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

- 15) Before development commences, a scheme of measures to promote alternative forms of transport to access Sevenoaks train station, other than by motor car, shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be carried out in accordance with the approved details.

To promote alternative forms of travel as part of an overall package of travel options for users of Sevenoaks Train station, in accordance with Policy SP2 of the Sevenoaks Core Strategy.

- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - timings of deliveries
  - storage of plant and materials used in constructing the development

To control the impact of the development on the public highway and in the interests of highways safety, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11. SE/16/00306/HOUSE - Long Range , Rock Hill, Orpington BR6 7PP

The proposal was for the replacement of an existing two storey extension with new two storey extension to rear, alterations to fenestration, demolition of existing garage and erection of new garage, new pitched roof to replace flat roof over utility room and installation of 8 sqm. of photovoltaic panels. There was to be a

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raised pathway to the front and extension of the patio to the rear. It had been referred to Committee by Councillor Lindsay as it was considered that the proposal constituted no increase in floorspace and that there were very special circumstances.

Members' attention was brought to the main agenda papers and the late observations sheets which provided clarification on the planning history but did not change the recommendation.

Against the Application:	-
For the Application:	Mike Rayfield
Parish Representative:	-
Local Member:	Cllr. Lindsay

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendations in the agenda, be agreed.

Members discussed the shed to the rear of the garage which had been demolished prior to the submission of the planning application and the extent to which it constituted very special circumstances for inappropriate development in the Green Belt.

The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reason

The proposal, by virtue of its additional bulk, scale and mass, represents inappropriate development in the Green Belt, is harmful to its openness, and does not comply with policies GB1 and GB3 of the ADMP, and the NPPF.

THE MEETING WAS CONCLUDED AT 8.40 PM

CHAIRMAN

4.1 - SE/15/03912/FUL Date expired 4 May 2016

PROPOSAL: Provision of oak vehicular & pedestrian gates at junctions of Wildernesse Avenue with Seal Hollow Road, Park Lane & A25

LOCATION: Entrance Gates At Wildernesse Avenue, Sevenoaks TN13 0EA

WARD(S): Seal & Weald

#### ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Thornton for the following reasons: the harm to the Conservation Area; the discouragement of cohesive and integrated communities; and for no justification being made for a gate on Seal Drive.

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: 'Seal Drive - TON002', 'Wildernesse Avenue - TON002', 'Park Lane - TON002', 'Wildernesse Avenue - Pedestrian - TON002', 'Wildernesse Gate Automation Seal Hollow Road Entrance', 'Wildernesse Gate Automation A25 Entrance', 'Wildernesse Gate Automation Park Lane Entrance'

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

3) Prior to the commencement of development details of the materials and finish for the proposed works shall be submitted to and approved in writing by the LPA. The development shall be undertaken in full accordance with the approved details. 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 Conservation Area as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the commencement of development, details of the proposed electronic keypad access system for the vehicular access gates shall be submitted to and approved in writing by the LPA. The development shall be undertaken in

accordance with the approved details. 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 Conservation Area as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the commencement of development a tree protection statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. 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 secure the retention of, and to safeguard the long-term health of, the trees on site as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **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.

### **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](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),

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

In this instance the applicant/agent:

- 1) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

### **Description of Proposal**

- 1 'Provision of oak vehicular & pedestrian gates junctions of Wildernesse Avenue with Seal Hollow Road, Park Lane & A25.'
- 2 It is proposed to erect three sets of oak gates within the Wildernesse Estate. One to be located near the junction with Seal Hollow Road, one to be located near the junction with Park Lane, and one to be located at the junction of Seal Drive and the A25. Each gate will sit across the vehicular access. A pedestrian gate is also proposed at the junction with Seal Hollow Road.
- 3 During the process of the application the proposal has been amended to reduce the height of the proposed gates, and to remove the proposed pedestrian gates and fencing at the Park Lane and Seal Drive locations.

### **Description of Site**

- 4 The application site comprises three separate entrances into the Wildernesse Estate. The Wildernesse Estate falls under two separate Town/Parish Councils, with the western section falling under Sevenoaks Town Council and the eastern section falling under Seal Parish Council. All three gates are, however, located within the ward of Seal and Weald.

### **Constraints**

- 5 Area of Archaeological Potential - gates at junction with Seal Hollow Road and A25.
- 6 Area of Outstanding Natural Beauty - gates at junction with Park Lane and A25.
- 7 Conservation Area - Wildernesse - gates at junction with Seal Hollow Road and A25.
- 8 Conservation Area - Seal - gates at junction with Park Lane.
- 9 Gas pipelines

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- 10 Landfill sites - gates at junction with A25.
- 11 Metropolitan Green Belt - gates at junction with A25 and Park Lane.
- 12 Source protection zones
- 13 Tree Preservation Orders

### **Development Plan Policies**

#### *Sevenoaks District Core Strategy*

- 14 Policies - LO1, SP1

#### Sevenoaks District Allocations and Development Management Plan (ADMP)

- 15 Policies - SC1, EN1, EN2, EN4

#### *Other*

- 16 Sevenoaks Wilderness Conservation Area Appraisal and Management Plan
- 17 Seal Conservation Area Appraisal
- 18 Seal Village Design Statement
- 19 The National Planning Policy Framework (NPPF)

### **Planning History**

- 20 04/00628/FUL - Erection of brick entrance piers and replacement of existing frontage fence with metal railings - Granted (junction with Seal Hollow Road).  
  
04/01657/FUL - Installation of rising arm barrier - Granted (junction with Seal Hollow Road).  
  
06/00616/FUL - Construction of brick entrance piers, erection of steel railings and installation of rising arm barriers - Refused (A25, Park Lane).  
  
06/02493/FUL - Relocation of existing timber entrance gate and posts together with accommodation works - Granted (Park Lane).

### Consultations

#### *Sevenoaks Town Council:*

- 21 22nd January: 'Sevenoaks Town Council recommended refusal due to the insufficient detail of the planning application resulting in it failing to address planning concerns and concerns regarding the proposal's impact on the conservation area.'



- 22 16th February: Sevenoaks Town Council recommended refusal unless: The planning officer is satisfied that the gates will be no higher than the existing barrier and the design will be in keeping with the character of the area; A condition is included in the grant of permission requiring unrestricted access for cyclists and pedestrians to be retained in perpetuity; and The planning officer being satisfied that suitable arrangements have been put in place for emergency vehicles.
- 23 31st March: Sevenoaks Town Council recommended refusal unless the planning officer is satisfied that the gates will be no higher than the existing barrier and the design will be in keeping with the character of the area, a condition is included in the grant of permission requiring unrestricted access for cyclists and pedestrians to be retained in perpetuity, the planning officer is satisfied that suitable arrangements have been put in place for emergency vehicles. Informative: Sevenoaks Town Council noted that the most recent amendment conflicted with previous dimensions and did not adequately address previous concerns.
- 24 27th April: Sevenoaks Town Council - Recommendation for refusal due to height of gates, restriction for access for cyclists and emergency vehicles.

*Seal Parish Council:*

- 25 2nd February: Seal Parish Council - Objection. The addition of gates at these junctions will create the impression of a gated community and discourage access by pedestrians and cyclists. It is important in the view of Seal Parish Council that nothing is done that gives the impression of cutting off one section of the village from the rest of it.
- 26 If the intention is to limit the traffic into Wildernesse Avenue this could be achieved by using a rising bar, or similar, which would be less forbidding to pedestrians and cyclists, and there would be no need for a pedestrian gate.
- 27 While the Wildernesse development is proceeding, there should be no barriers on Seal Drive, as this is the designated access route for construction traffic. If inconvenience of a barrier were to cause construction traffic to use the new road which will be constructed off Park Lane, this would be in contravention of the planning permission granted for the Wildernesse site. No barrier should be allowed on this road until the Wildernesse redevelopment is completed.

If some type of barrier or gate is to be permitted at any of the proposed sites, the following additional considerations need to be taken into account:

- Any barrier would need to be suitable for use in this conservation area.
- The location of each barrier would need to be set back sufficiently from the main road to ensure that queuing traffic does not back up onto the main road. This is particularly important for the junction of

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Seal Drive and the A25 and the junction of Wildernesse Avenue and Seal Hollow Road.

- The arrangements for opening and closing the barriers will need to allow the free flow of traffic associated with the use of Wildernesse House and associated buildings once the development is completed. The access and egress of residents, staff and visitors to the Wildernesse House and other buildings on the site could be greatly inconvenienced by the inappropriate operation of the barriers.
- 28 23rd February: Seal Parish Council - Objection. Seal Parish Council reiterates the objections set out in its response dated 2 February 2016.
- 29 The proposal by the applicants to remove the pedestrian gates from the proposal, to lower their height to 1.20m and to keep the gate on Seal Drive open during working hours while the construction work is proceeding at the Wildernesse House development will mitigate the damage.
- 30 Nevertheless, if gates are constructed at these three sites it will fundamentally alter the impression of openness and the way in which the Wildernesse area fits with the rest of the village. We would also highlight the risk of creating a precedent that might be copied in other private roads around Sevenoaks.
- 31 24th March: Seal Parish Council - Object. Seal Parish Council has noted the Conservation Officer's opinion and views regarding the regrettable necessity of allowing control gates. However, we do not believe that these are necessary or justifiable at the junction of Seal Road with the A25, as their installation at the east and west ends of Wildernesse Avenue alone would prevent 'rat running'.
- 32 Whilst we welcome the current proposal to reduce the height of the gates to 1.2m and to remove the pedestrian gate and fencing at the Seal Drive/A25 entrance, we also do not agree that substantial gates are the correct solution, as this would inevitably create the effect of a gated community and would fundamentally alter the impression of openness and the way in which the Wildernesse Estate fits in with the rest of Seal village. We do not believe that rising arm barriers are inconsistent with section 12 of the NPPF or Policy EN4 of SDC's ADMP.
- 33 We continue to have a strong preference for rising arm barriers, therefore, as these already exist at Woodland Rise and Parkfield on the Estate and represent an obvious precedent in terms of design. This is reinforced within the Wildernesse Conservation Area Appraisal and Management Plan, which specifically draws attention to the 'simplicity' of the entrances to the estate utilising rising arm barriers. We also remain concerned about the risk of setting a precedent by installing gates and that this might be copied in other private roads around Sevenoaks.

*KCC Highways:*

- 34 'I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.
- 35 All of these gate locations are situated on a private road and are sufficiently far from the public highway not to affect it.

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

*Conservation:*

- 36 10th February: 'The site is within the Wildernesse designated area and from the conservation perspective, the proposed installation of access control gates and associated fencing is much regretted. Such barriers are contrary to the original design intention for the Wildernesse Estate, the principles of which are recorded in some detail in the conservation area appraisal.
- 37 However, the present experiences of the estate's residents must be taken in to consideration and less visually intrusive, alternative measures have been tried and found ineffective. Convincing justification for installation of the proposed barriers has been provided and while precedents elsewhere do not necessarily justify the present intervention, their existence emphasises the need for such measures. Although contrary to the original design intention, the gates and associated fencing are of historically appropriate style and good quality, durable materials. In consequence, they are considerably more in keeping with local character than the practical, but visually inappropriate alternative of security fencing and a single-arm barrier.
- 38 By virtue of their form, function and location, the proposed gates and fences are visually intrusive features which considerably alter the appearance of the immediate streetscene. However, in time the fencing will be largely concealed behind foliage and the presence of the new elements will have little impact on the character of the conservation area as a whole. While some change in visual and spatial qualities will inevitably occur in the immediate vicinity, the level of harm resulting from these changes to the significance of the wider conservation area is far from substantial.
- 39 The importance of sustaining and enhancing the significance of heritage assets is emphasised throughout section 12 of the NPPF and para. 132 requires great weight to be given to their conservation. While installation

## Agenda Item 4.1

of the proposed gates and fences is regretted for the aforementioned reasons, their presence may indirectly help to preserve the distinctive character of the conservation area as a whole. Subject to the condition below, there is no justifiable objection to the proposal in terms of Policy EN4.

### Informative

While comprehensive, the documentation submitted in support of this application lacks a finishes specification it is recommended that permission be conditional on agreement of an appropriate, durable finish.'

- 40 16th May: 'The application has been revised to reduce the height of the proposed gates to 1.20 metre. It now omits any fencing to the sides and any pedestrian gates, with the exception of the entrance to Wildernesse Avenue from Seal Hollow Road where a new pedestrian gate will be installed within the existing boundary railings to create a pedestrian access separate from the drive.
- 41 The revisions have addressed the concerns previously raised from the Conservation point of view; in particular, the visual impact of the gates and fencing has been reduced. While the demarcation between public area and private estate road and restriction of vehicular access remains at the heart of the proposal, the omission of the fencing and reduction in height of the gates no longer introduces an unnecessary defensive and exclusive character which, as pointed out in previous comments, was contrary to the original design intention for the Wildernesse Estate.
- 42 The principle of installing an automated barrier at the junction of Wildernesse Avenue with Seal Hollow Road was accepted with planning permission SE/04/01657. The proposed gates are of a historically appropriate style and materials and are considered to be an improvement to the existing single-arm barrier. Clarification should be sought on the proposed finish.'

### *SDC Tree Officer:*

- 43 13th January: 'There are substantial piers located at the Seal Hollow Road junction with existing fencing. The proposals appear to utilise the existing piers and the proposed fence appears to follow the line of the existing. If this is the case than I have no issue with this proposal.
- 44 The proposals for the gates at the junction with the A25 show new piers to be constructed to support the wooden gates. There are 3 mature Lime trees growing on the eastern side of the drive. As these trees are not shown on the proposed drawings, I have had to estimate their locations to the proposed construction. It would appear that the proposed pier on the eastern side is to be constructed within the RPA of at least one of the protected Lime trees. The applicant needs to demonstrate prior to any consent provided if the required excavations are acceptable regarding the possible existence of tree roots and damage to them that may occur.

- 45 The proposals to build at the Park Lane junction appears acceptable. The proposed fencing on the northern side will require an amount of branch removal to two trees. Pruning details will need to be conditioned.’
- 46 2nd March: ‘I refer to the tree report as supplied by Arborweald Environmental Planning Consultancy dated February 2016.
- 47 The proposal to install the gate and fencing as shown should in essence be fairly straight forward as it is a small job in comparison to the construction of a building for instance.
- 48 Fencing work is quite common and I am sure is being carried out near trees on a regular basis throughout the area. It is an unknown factor if or where any tree roots may be located. This can only be confirmed once excavations are carried out. The required fence post hole locations therefore need to be flexible. All holes need to be hand dug as specified. Should substantial roots be located then the holes should be filled in and the hole location relocated.
- 49 I would expect to see less roots under the road but to state that there will be no roots cannot be determined without opening up the road as required. I suggest that the same rules need to apply when excavations are carried out for the road in that the location needs to be flexible. Should roots be found then the hole needs to be filled in and relocated.
- 50 The gate movement mechanism is shown to be on the eastern side of the road. Why can it not be located on the western side of the road which is the farthest point away from the trees. I also need to see a specific route for the electricity feed, ideally away from the trees.’
- 51 16th June: ‘Our previous discussion led me to the conclusion that the applicants were proposing to work within an area that required careful consideration due to the unknown existence of tree roots from the nearby Lime trees. Given the area shown for excavation which is minimal, the species tolerance to root disturbance and the tree report specifying certain protection methods, I am reasonably happy for the proposal to proceed. Conditions should specify that the tree protection conditions should be complied with.’

#### Representations

- 52 Letters have been received from 19 different properties supporting the application. The reasons for supporting the application can be summarised as follows:
- Improves road safety
  - Reduces use of road for rat runs
  - Deter burglaries
  - Stops non residents accessing the road by car

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- Enhances character and appearance of area
  - Design respects local character and compatible with the appearance of the street scene and Conservation Area
  - Arts and Crafts style materially contributes to the street scene
  - Improvement in design over current style and more sympathetic to the Conservation Area than a rising arm barrier
- 53 One letter has been received objecting to the application if the gates will be locked and the road becomes inaccessible to surrounding residents e.g. dog walkers.

### Chief Planning Officer's Appraisal

#### Principal issues

##### *Impact on character and appearance of the area*

- 54 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. Policy EN4 of the ADMP outlines that proposals that affect a Heritage Asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 55 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 56 The Wildernesse Conservation Area Appraisal and Management Plan outlines that most houses on the Estate originally had five-bar gates, which, with kerb-less verges, created a rural feel. The Conservation Area Appraisal outlines that the increasing use of tall piers and iron gates is starting to create an urban or suburban feel to parts of the roads. The Seal Conservation Area Appraisal does not mention anything relevant to this section of Sevenoaks.
- 57 The Seal Village Design Statement outlines that the Wildernesse Estate was designed to retain the original estate roads, and it was intended to maintain the impression of single homes situated in the countryside. The Seal VDS outlines that fencing, walls and gates should be kept low, and where more than one metre high, should be screened by appropriate planting.

- 59 It is proposed to add new vehicle gates within Seal Drive near the junction with High Street, Seal, within Wildernesse Avenue near the junction with Seal Hollow Road, Sevenoaks, and within Wildernesse Avenue near the junction with Park Lane, Seal. At the junction of Wildernesse Avenue with Seal Hollow Road a pedestrian gate is also proposed to allow access for pedestrians.
- 60 The proposed vehicular gates would consist of wooden piers with a height of 1.65 metres, and wooden gates with the majority having a height of 1.2 metres, set 0.07 of a metre above the ground. Decorative features are proposed to either end of each gate, which add a height of 0.22 of a metre to the gates. The pedestrian gate proposed would match in design the proposed vehicular gates, and would have a main height of 1.2 metres, with decorative features on either end adding a further 0.22 of a metre to the height.
- 61 It is worth noting that were the wooden gates and wooden posts reduced slightly in height to 1 metre, planning permission would not be required for these because under Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 a gate, fence, wall or other means of enclosure can be erected up to one metre in height when adjacent to a highway without the need to apply for planning permission.
- 62 The proposed vehicular gates at the junction with Seal Hollow Road, and those proposed at the junction with Park Lane, replace existing manual wooden gates already in place at these entrances. There is not currently a vehicular gate on Seal Drive.
- 63 Concern was raised by the Town Council that they would not want the proposed gates to be any higher than the existing gates at the junction with Seal Hollow Road, and at the junction with Park Lane. The existing gate at the junction with Seal Hollow Road consists of brick piers with a height of approximately 2.2 metres, and a wooden gate with a main height of between 1.45 and 1.61 metres. The existing gate at the junction with Park Lane consists of wooden posts with heights of between 1.59 metres and 1.66 metres, and a wooden gate with the main section measuring between 1.35 metres and 1.52 metres. A further wooden post to which the gate is attached when open has a height of 1.84 metres. The gates proposed would have a height of 1.2 metres plus a gap of 0.07 of a metre between the bottom of the gate and the road. The height of the gate post would be 1.65 metres. Consequently the proposed gates are lower than that existing at the junction with Seal Hollow Road and at the junction with Park Lane.
- 64 With the proposed gates being located within the Wildernesse and Seal Conservation Areas, it is important to assess the impact these gates will have on the character and appearance of the Conservation Area. In line with this, SDC Conservation Officers have been consulted for their advice throughout this application. Following the reduction in height of the proposed gates, the removal of fencing beside the gates from the scheme, and the removal of the proposed pedestrian gates on Seal Drive and Park

## Agenda Item 4.1

Lane, the SDC Conservation Officer advises that whilst the demarcation between public area and private estate road and restriction of vehicular access is at the heart of the proposal, the omission of fencing and reduction in height of the gates over that originally submitted no longer introduces an unnecessary defensive and exclusive character. The Conservation Officer further advises that the proposed gates are of a historically appropriate style and design, and constructed in materials that are considered to be an improvement to the existing single-arm barriers and large brick piers. As such no objection can be made to the scheme on Conservation grounds, as the proposed works will preserve the character of the Conservation Area.

- 65 As outlined above, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In line with the Conservation Officers Specialist advice, it is considered that the proposed gates would not harm the character and appearance of the Conservation Area, but preserve the character of the Area, as the works are historically appropriate in design. It is also not considered that the new timber gates will harm the rural feel of the estate identified within the Wildernesse Conservation Area Appraisal, with the gates being only at the entrances, and being relatively small scale and in line with the type of wooden fencing deemed appropriate in the Conservation Area Appraisal. When within the Wildernesse Estate, the appearance remains open and rural in appearance.
- 66 Concern was raised that the proposal would result in the impression of a gated community. Whilst this may or may not be the case, the Council does not have any planning policies restricting the creation of gated communities or even giving the perception of a gated community.
- 67 The NPPF outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Whilst the NPPF refers to the creation of inclusive communities, it does not expand to set out what is or isn't inclusive communities. It does not outline that the creation of gated communities is unacceptable and should be refused. In any case, it is only vehicular access which would be reduced by the introduction of these gates, with pedestrians and cyclists at Seal Drive and also at the junction with Park Lane being able to just walk around the vehicular gates, and pedestrians and cyclists at the junction with Seal Hollow Road being able to walk through the pedestrian gate. In addition it is also proposed to insert a keypad within each gate with the code so that any person within a vehicle can simply exit their vehicle, insert the code, and then drive through the gates. As such access will still be possible by any person who wishes to. It should also be noted that two of the existing access points already have



wooden gate barriers at certain times of the day to restrict access onto the Wildernesse Estate.

- 68 In line with the above it is considered that the creation of the visual impression of a gated community is not a sufficient reason to refuse planning permission for these gates.
- 69 A condition was requested requiring unrestricted access for cyclists and pedestrians. At the Seal Drive entrance and at the junction with Park Lane entrance, any pedestrian and cyclists will be able to go around the gates. At the junction with Seal Hollow Road junction a pedestrian gate is to be inserted by the proposed gates to allow access for pedestrians and cyclists. As such this condition would be unreasonable and could not be attached to any permission.
- 70 It was requested that no barriers are erected at Seal Drive whilst the development Wildernesse House is under construction, as this may tempt delivery vehicles to use another entrance. The use of Seal Drive for construction traffic in relation to Wildernesse House is a planning condition on the Wildernesse house permission, and as such enforcement action could be taken should they start using an alternative route. The applicant has also indicated that the gates will remain open during construction working hours to provide easy access and egress. Such arrangements would be a private matter between the developer and the applicant and it would not be reasonable to attach a condition requiring this to any permission for the gates.
- 71 Comments were submitted requesting suitable arrangements for emergency vehicles. The gates are proposed to include a coded entry system where any person can get out of their vehicle and input the code to open the gate, hereby overcoming the concern raised.
- 72 It was outlined that sufficient set back from the road junction would be required. The Seal Drive gate would be positioned approximately 15 metres from the junction, the Seal Hollow Road gate would be positioned approximately 10 metres from the junction, and the Park Lane gate would be positioned over 30 metres from the junction. These distances are considered acceptable.
- 73 It is claimed that the gates at Seal Drive are not justified as having gates on the other two accesses would stop rat-running. Whilst the prevention of 'rat-running' is outlined as a reason for the gates by the applicant, this is not a consideration when assessing this application and KCC Highways have raised no objection to the scheme with the roads affected being private roads and with the gates being set sufficiently far from the public highway to not affect it. The assessment of this application is based on the design, and the impact upon the Conservation Area. It has been found that the design would be acceptable and that the proposal would not harm the character and appearance of the Conservation Area.

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- 74 As such it is considered that there is no significant issue to warrant refusal, and that the proposal would be acceptable on design and Conservation grounds.

### *Impact on neighbouring amenity*

- 75 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.
- 76 The proposed gates will not result in overshadowing or overlooking of neighbouring properties, and due to their minimal height, would not appear overbearing to neighbouring properties. Whilst the gates will result in vehicles having to wait a short amount of time while the gates open to enter and exit the Wildernesse Estate, it is not considered that this will impact upon the amenity of neighbouring properties. Any time waiting will be minimal, and is unlikely to have a high occurrence. In addition those neighbouring properties that are located near the gates are largely screened by vegetation. Due to the short amount of time cars will be waiting for these gates to open, it is not considered that the proposed gates will have a detrimental impact upon neighbouring amenity.
- 77 As such it is considered that there will not be an objectionable harm to neighbouring amenity.

### **Other Matters**

#### *Highways*

- 78 KCC Highways have been consulted as part of this application and raise no objection to the scheme, with the gates being located on private roads and set sufficiently far from the public highway to not affect it. As such it is considered that the proposal would be acceptable on Highway grounds.

#### *Trees*

- 79 Following the submission of further information SDC Tree Officers have raised no objection to the scheme subject to a condition on tree protection. It is considered that a condition requiring details on tree protection should be attached to any permission.

## Conclusion

80 I consider that the proposed development would preserve neighbouring amenity and would not have a detrimental impact upon the character and appearance of the street scene of Conservation Areas. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

## Background Papers

Site and Block Plan

Contact Officer(s): Hannah Weston Extension: 7387

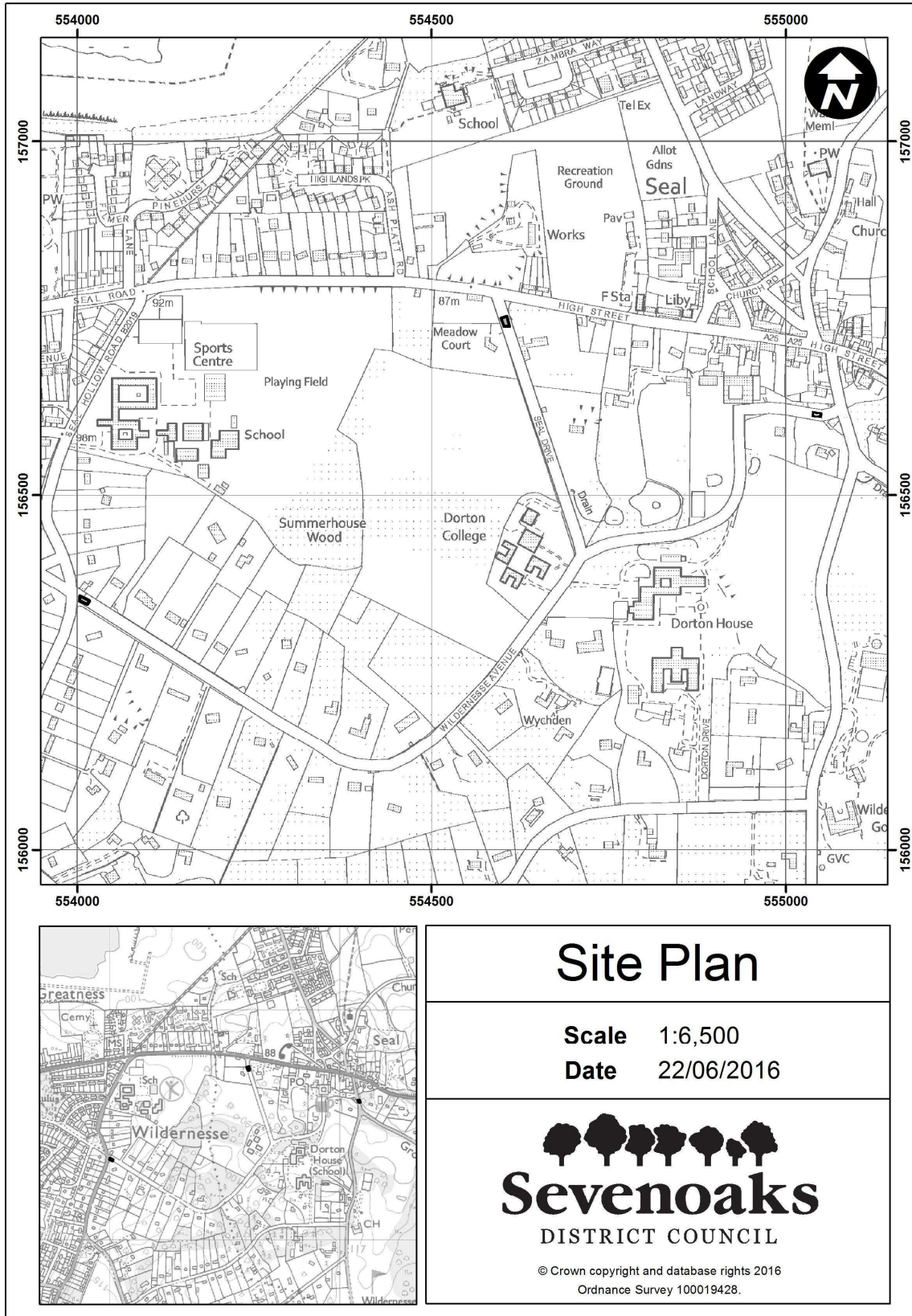
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

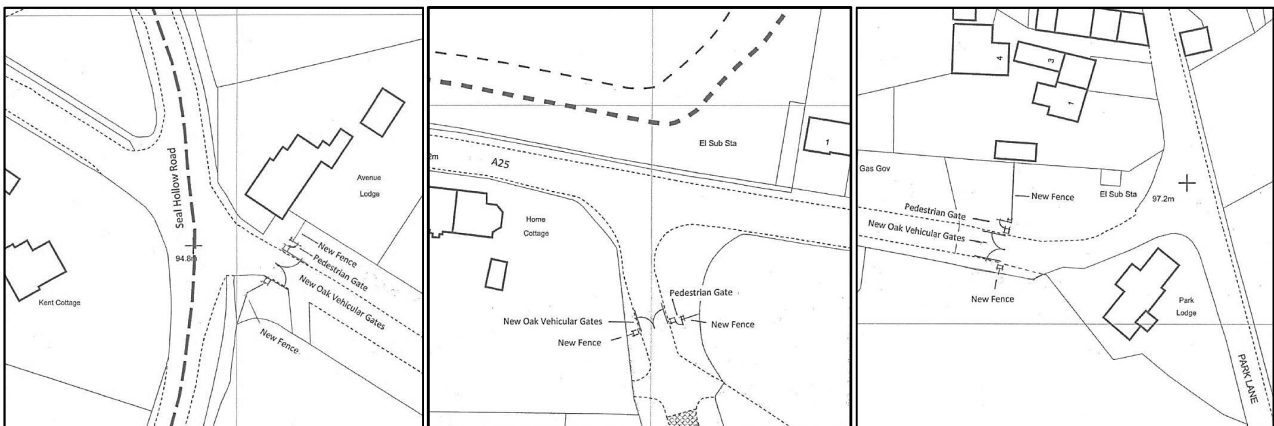
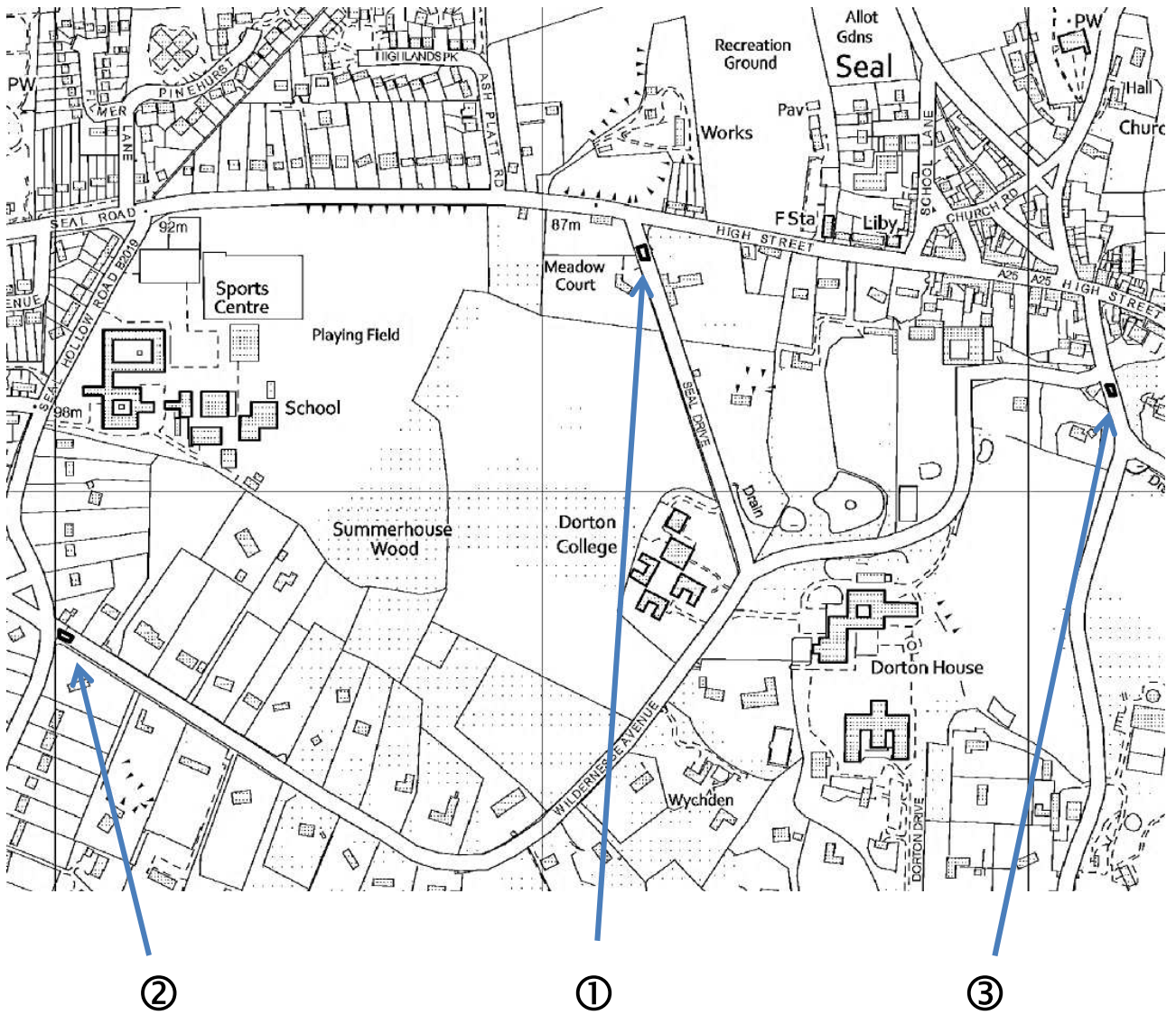
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZCFH0BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NZCFH0BK0L000>



Block Plans



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4.2- SE/16/01213/FUL Date expired 16 June 2016

PROPOSAL: Erection of a single storey side extension to the existing Asda Store.

LOCATION: Asda Stores Ltd, London Road, Swanley BR8 7UN

WARD(S): Swanley White Oak

#### ITEM FOR DECISION

This application is referred to the Development Control Committee for the reason that the District Council is the land owner for the application site.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-625 PL-01 and 15-625 PL-02.

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

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

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

4) The development shall achieve a BREEAM minimum standard of "Very Good". Evidence shall be provided to the Local Authority -

- i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM Design Certificate minimum standard of "Very Good" or alternative as agreed in writing by the Local Planning Authority; and
- ii) Prior to the occupation of the development, that the development has achieved a BREEAM Post Construction certificate minimum standard of "Very Good" or alternative as agreed in writing by the Local Planning Authority.

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

#### Informatives

- 1) It is the responsibility of the applicant to ensure, before the development

## Agenda Item 4.2

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](http://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.
- 2) Did not require any further assistance as the application was acceptable as submitted.

### **Description of Proposal**

- 1 The application seeks the approval of the erection of a single storey extension to the existing building. The extension would comprise a partial in fill of an existing canopy located to the south-west elevation of the building. The extension would be 2m deep and 15.5m long, with the existing



canopy remaining a maximum of 4.3m high. The extension would be finished to match the existing elevation of the building, being mainly glazed.

### Description of Site

- 2 The application site comprises a large superstore located within Swanley Town centre. The superstore is served by two large car parks and surrounded by a mixture of retail uses and residential properties.

### Constraints

- 3 The site lies within Swanley Town centre, the south-west elevation of the building is a designated Primary Retail Frontage and part of the site is covered by a Tree Preservation Order.

### Policies

#### *Sevenoaks District Core Strategy*

- 4 Policies - LO1, LO4, SP1 and SP2

#### *Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 5 Policies - SC1, EN1, EN2, TLC2 and T2

#### *Other*

- 6 The National Planning Policy Framework (NPPF)  
7 The National Planning Practice Guidance (NPPG)

### Planning History

- 8 No recent planning history is relevant to this application.

### Consultations

#### *Swanley Town Council - 19.05.16*

- 9 'Support'

#### *County Highways Engineer - 06.06.16*

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

Please advise the applicant that they will require separate consent from KCC Highways for any works that directly affect adopted highway land.'

#### *Tree Officer - 05.05.16*

- 11 'No comment.'

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### Representations

12 None received.

### Chief Planning Officer's Appraisal

13 The main issues in respect of this application are the principle of the development, the potential impact on the character and appearance of the area, the potential impact on amenities, the potential impact on highways safety and parking provision. Other issues include the potential impact on trees, the Community Infrastructure Levy (CIL), BREEAM standards and sustainable development.

### Main Issues

#### *Principle of the development -*

14 Policy TLC2 of the ADMP states that within the Swanley Primary Retail Frontage, at least 70% of the ground floor frontage will be maintained in A1 use.

15 The proposal comprises a modest extension to the existing superstore within a designated Primary Retail Frontage. This means that the percentage of ground floor frontage maintained in an A1 use is not affected.

16 The principle of the development is therefore one that the Council could accept provided the proposal comprises with all other relevant planning policies.

#### *Impact on the character and appearance of the area -*

17 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)

18 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.

19 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.

20 The single storey extension would be a modest and subservient addition to the existing large building, which dominates this part of the town. The addition would also take place within an existing canopy area that already projects out from the building, and would not increase the built footprint of the building.

21 For these reasons I would conclude that the development would preserve the character and appearance of the area. The proposal is therefore in

accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

*Impact on amenities -*

- 22 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.
- 23 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.
- 24 As noted above, the proposed extension would in fill part of an existing canopy projection to the south-west elevation of the building, which faces on to an area of open public space and neighbouring retail units.
- 25 Since the form of the building would not be significantly altered and that the extension would be modest in nature I am satisfied that the development would safeguard the amenities of existing and future occupants of nearby properties. This complies with the NPPF and policy EN2 of the ADMP.

*Impact on highways safety and parking provision -*

- 26 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.
- 27 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).
- 28 Access to the existing car parks and the number of parking spaces provided to customers of the superstore are not proposed to be altered by this development. The proposed extension under an existing canopy, taking account of its very modest size, is considered to be wholly acceptable by the County Highways Engineer.
- 29 I am therefore of the view that the development would continue to ensure satisfactory means of access for vehicles and pedestrians and would continue to provide adequate parking in accordance with policies EN1 and T2 of the ADMP.

**Other Issues**

*Impact on trees -*

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

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ancient woodland (para. 118). Policy EN1 of the ADMP further supports this position.

- 31 There are no trees adjacent to the section of the building where the proposed extension would be located. It is therefore the case that no protected trees would be impacted upon as a result of the proposed development.

### *Community Infrastructure Levy (CIL) -*

- 32 The development comprises an extension to a superstore, which is less than 100m<sup>2</sup> in area. For this reason the development is not CIL liable.

### *BREEAM standards -*

- 33 Policy SP2 of the Core Strategy requires that all conversions to residential use will be required to achieve BREEAM “Very Good” standards. Applicants must submit evidence which demonstrates how the requirements have been met or which demonstrate that compliance is not technically or financially feasible.
- 34 This information has not yet been provided by the applicant but has been requested by way of condition 4 above to ensure that the development complies with policy SP2 of the Core Strategy.

### *Sustainable development -*

- 35 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).
- 36 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**

- 37 I consider that the proposed development would preserve the character and appearance of the area, would preserve amenities, would preserve highways safety and would provide sufficient 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

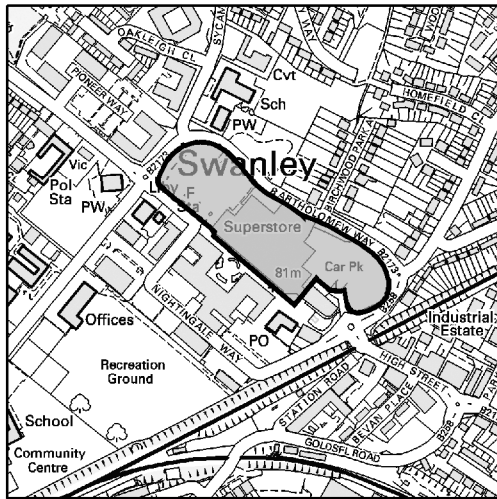
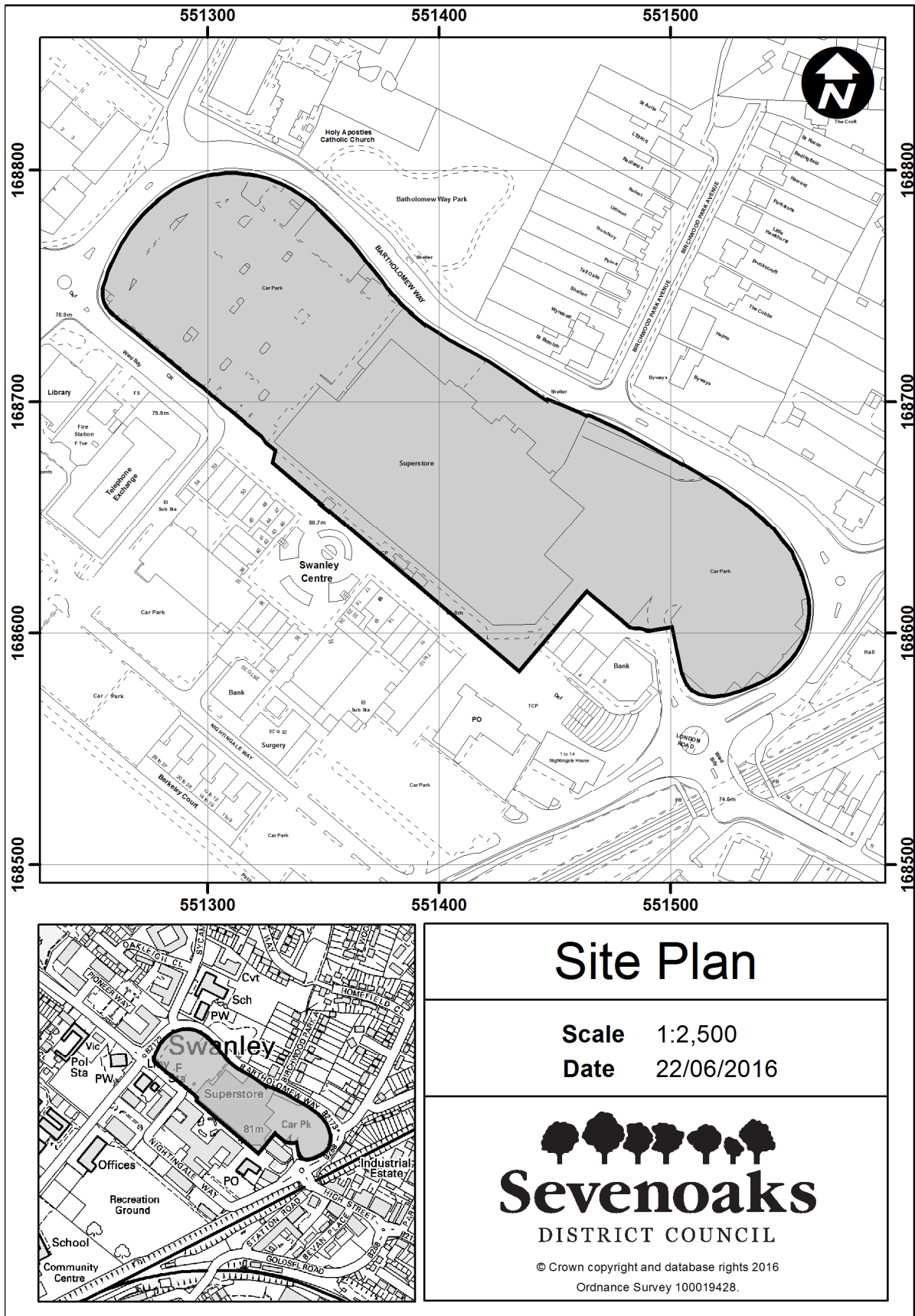
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=05ZR8TBKKNV00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=05ZR8TBKKNV00>



# Site Plan

Scale 1:2,500  
Date 22/06/2016

**Sevenoaks**  
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## Agenda Item 4.3

E) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of any retained tree from damage before or during the course of development.

F) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office.

To prevent damage to the trees and vegetation during the construction period, as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

1) The application was considered by the Planning Committee.

### **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](http://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.
- 2) The application was dealt with/approved without delay.

Description of Proposal

- 1 The proposal is to construct a small single storey side extension which will be used to create an office and utility room with a corridor running from the front to the back, to allow a quick passage through the house. The proposed side extension will be 4.8 metres high, which will drop down to a flat roof at the rear with a height of 2.75 metres. The proposal will have a width of 5.9 metres and a depth of 6.75 metres. It will be stepped back from the front elevation by 1.5 metres, and 0.75 metres of the rear elevation. The proposal is to use materials to match existing, except the doors are proposed to change from uPVC to powder coated aluminium.
- 2 Furthermore the proposal is to change various aspects of the properties fenestration, including windows to doors on the rear elevation, and the garage being converted into a kitchen - meaning the garage door will become a window measuring the same width, but with a height of 1.7 metres off the ground.
- 3 In addition to this, all the windows on the front elevation of the property, and a couple on the rear will have painted render below them. This appears to be a beige colour, but is not clear.

Description of Site

- 4 The application site comprises a two storey detached property located in the ward of Sevenoaks Town & St Johns. The property is set back from the road by roughly 7 metres and has a rear garden which extends slightly less than 20 metres.

Constraints

- 5 Agricultural Land Value (AGRI/U)
- 6 Tree Preservation Orders (PRO/69/08/SU)

Development Plan Policies

*Sevenoaks District Core Strategy*

- 7 Policy- SP1

*Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 8 Policies - SC1, EN1, EN2 and Appendix 2.

*Other*

- 9 Residential Extensions Supplementary Planning Document (SPD)
- 10 Sevenoaks Residential Character Area Assessment 2012
- 11 The National Planning Policy Framework (NPPF)

## Agenda Item 4.3

### Planning History

12 None relevant.

### Consultations

#### *Sevenoaks Town Council*

13 Recommended approval subject to the Planning Officer being satisfied the impact on the street scene of Warren Court will not be inappropriately impacted, and there being no detriment to the amenities of residents in Warren Court

#### *Sevenoaks District Council Tree Officer*

14 Verbal discussion - it was agreed that tree protection details should be submitted to and agreed by Sevenoaks District Council before development is undertaken in order to ensure that no vital trees, bushes or hedges are harmed as a result of this application.

### Representations

15 None received.

### **Chief Planning Officer's Appraisal**

#### **Principal 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 dimensions of the proposed extension are of an acceptable scale, height and form as they make the proposal subservient to dwellinghouse, which is one of the guidance points mentioned within the Residential Extensions SPD. Another point mentioned within this document, is that the side extension should not have a significant adverse impact upon the nature of space between buildings. As there is no property directly on this side of the dwellinghouse, this extension will not adversely impact the space between dwellings.
- 18 The current dwellinghouse has a flat roof above the porch at single storey level, and a dual pitched roof is used for the remainder of the property. The proposed pitch and flat roof for this side extension will match the current

roof types on the existing property, and therefore will not have an adverse impact upon the character of the area.

- 19 The current dwellinghouse has brown face-brick for walls, deep red plain tiles on the roof and white uPVC windows and doors. The proposed extension uses materials to match existing with added render (appears to be a beige colour, but unclear) underneath the window on the front elevation and powder coated aluminium for the doors. The main dwelling is proposed to add render underneath the windows on the front elevation, and a couple of windows on the rear elevation. The materials to be used on the extension will match with the rest of the dwellinghouse, and will fit in with the character of the area and be of a high quality, and are thus acceptable.
- 20 As there is no planning history for the property, there are no conditions regarding the garage. The site is located just outside the city/town centre, and therefore falls within the category “edge of centre” with regards to the guidance for residential parking. The property is a four bedroom house, which requires 1.5 parking spaces. There is sufficient parking on the drive of the property to account for this, and therefore it is acceptable to convert the garage.
- 21 The site falls within F13 (Warren Court) of the Sevenoaks Residential Character Area Assessment, which states:
- “In proposing new development within the Warren Court Character Area:
- Mature trees and hedged boundaries which contribute to the character of the road should be retained
  - The setting of the Vine Conservation Areas should be protected or enhanced”.
- 22 If permission is granted, the application will have a condition requiring tree protection details to be submitted to and approved by Sevenoaks District Council, in order to make sure that the mature tree at the back of the site is protected during and after construction (see section titles “Other Issues > Tree Protection Orders”). The property is located roughly 17 metres from The Vine Conservation Area; however, it is considered that this single storey side extension which is set back from the front elevation of the original dwellinghouse will not have an adverse impact upon the setting of this. Therefore the side extension will respect the areas highlighted within the Sevenoaks Residential Character Area Assessment, and is therefore acceptable in regards to residential character area.
- 23 For the reasons detailed above I consider that the proposed single storey side extension, garage conversion and changes to fenestration would be in accordance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the ADMP and the Residential Extensions SPD.

*Impact on neighbouring amenity*

- 24 The NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these core principles is to ‘always seek to

## Agenda Item 4.3

secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (Para 17).

- 25 Policy EN2 - Amenity Protection 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' (pp.19).
- 26 Section 4.15 of the Sevenoaks Residential Extensions SPD is related to privacy with regards to rear extensions:
- 4.15 To protect against overlooking, the side wall facing a neighbour should not normally contain windows unless privacy can be retained by means set out in the section on overlooking.*
- 27 The proposal within this application will have a window on the side elevation, however the land rises up quite steeply. And there is a timber cladded fence at the top of this. On the other side of the fence is the road, and therefore there is no possibility of overlooking from this proposal.
- 28 The window changes at the rear of the property will not cause any further impact than already exists, and therefore these are acceptable. As for the window at the front of the property, which will replace the garage door - this will also cause no negative impacts on neighbours properties.
- 29 In order to be sure that there will be no loss of light from the proposals, the 45 degree test was applied as advised in the Residential Extensions SPD, which passed on both elevation and plan view. Additionally no comments have been received from neighbouring residents objecting to the proposal.
- 30 In summary, for the reasons detailed above I consider that the proposed single storey side extension, garage conversion and changes to fenestration would not have a detrimental impact upon neighbouring amenity and consequently is in accordance with paragraph 17 of the NPPF and policy EN2 of the ADMP.

### Other issues

#### *Tree Protection Orders*

- 31 The whole site falls under a blanket Tree Protection Order.
- 32 The large tree to the rear of the property in the South West of the site is situated roughly 13 metres away from the original dwelling. This will be ever further away from the proposed works and will not be affected by the proposed works.
- 33 To ensure protection of the tree during construction works I will impose a tree protection condition.

### Access issues

- 34 There will be no change to access.

## Conclusion

- 35 I consider for the reasons detailed above that the proposed single storey rear extension, would be in keeping with the character and appearance of the area and would preserve neighbouring amenity. Consequently the proposal is in accordance with the development plan and therefore the officer's recommendation is to grant planning permission.

## Background Papers

Site and Block Plans

Contact Officer(s): James Overall Extension: 7136

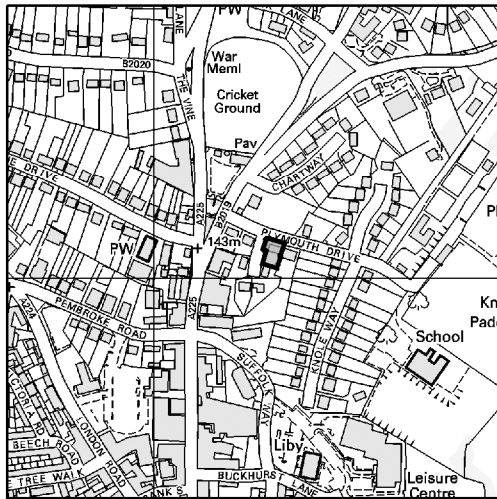
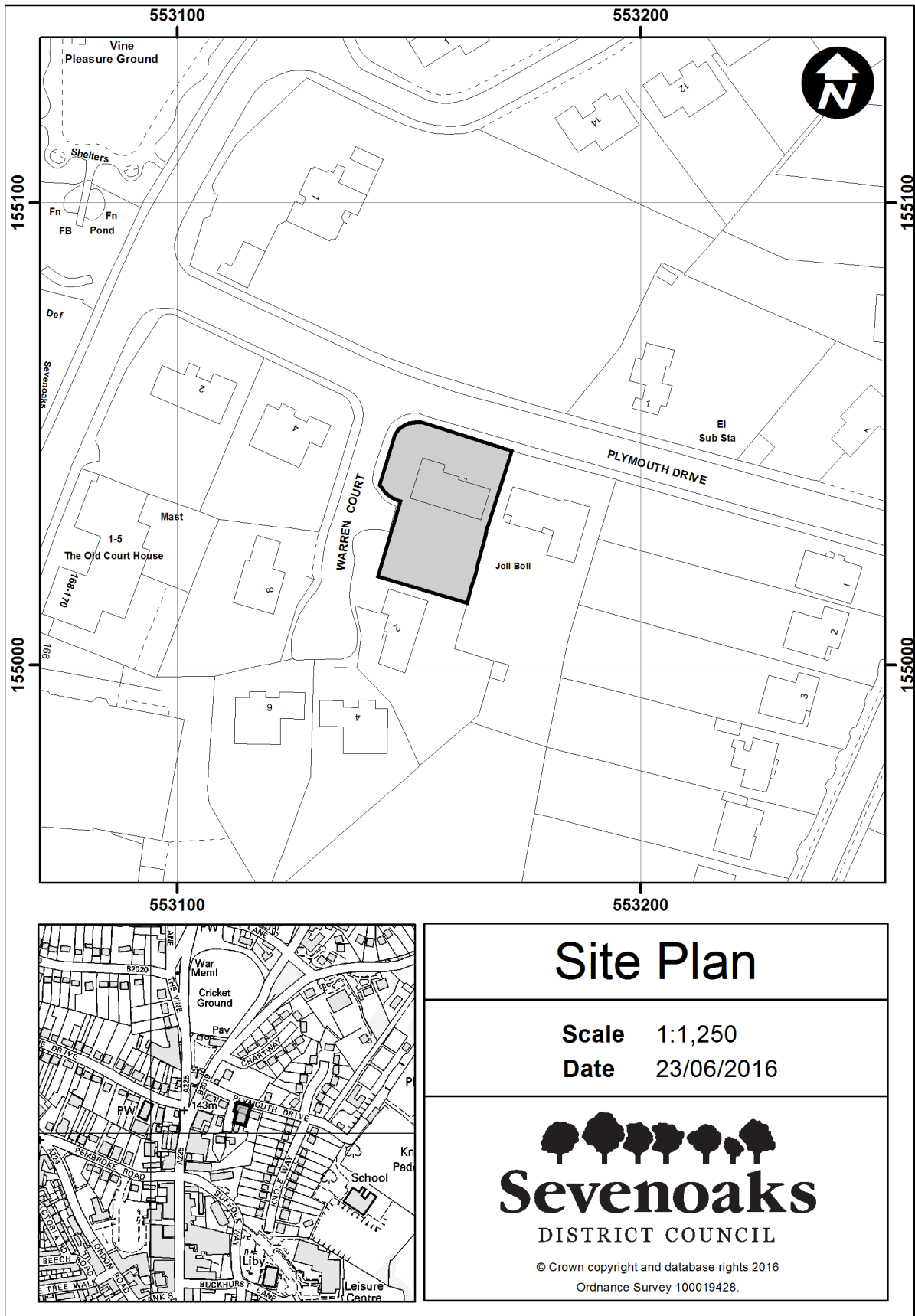
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5Z8ZUBK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O5Z8ZUBK0LO00>



# Site Plan

Scale 1:1,250

Date 23/06/2016



DISTRICT COUNCIL

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**Planning Application Information on Public Access - for applications coming to  
DC Committee on Thursday 7<sup>th</sup> July 2016**

**Item 4.1 SE/15/03912/FUL Entrance Gates At Wildernesse Avenue, Sevenoaks  
TN13 OEA**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZCFH0BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NZCFH0BK0L000>

**Item 4.2 SE/16/01213/FUL Asda Stores Ltd, London Road, Swanley BR8 7UN**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5ZR8TBKKNV00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O5ZR8TBKKNV00>

**Item 4.3 SE/16/01200/HOUSE 6 Plymouth Drive, Sevenoaks TN13 3RW**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5Z8ZUBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O5Z8ZUBK0L000>

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