

16 March 2017 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 08.03.17



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

	Pages
Apologies for Absence	
1. Minutes To approve the minutes of the meeting of the Committee held on 23 February 2017 as a correct record.	To follow
2. Declarations of Interest or Predetermination Including any interests not already registered	
3. Declarations of Lobbying	
4. Planning Applications - Chief Planning Officer's Report	
4.1 SE/16/03117/FUL - 19 Mount Close, Sevenoaks, Kent TN13 3EG Proposed rear dormer loft conversion to No.19 Mount Close, and the erection of an attached dwelling to the side of No.19 Mount Close.	(Pages 1 - 16)
4.2. SE/16/03359/FUL - 19 Mount Harry Road, Sevenoaks TN13 3JJ Demolition of existing property. Proposed replacement with 2No. detached dwellings with separate road access.	(Pages 17 - 32)
4.3 SE/16/03811/FUL - The Mount, Church Street, Shoreham TN14 7SD Proposed glazed pavilion with bi-folding doors and a glazed access door with retractable roof over existing court yard, alterations existing garage door to add a single door access and conversion of store to a new tasting bar.	(Pages 33 - 48)

4.4 SE/16/01655/FUL - Unit E, Ryedale Court, Riverhead TN13 2DN (Pages 49 - 68)

Demolition of existing office building Block E and proposed development of 23 new build residential apartments and offices, with associated undercroft and surface parking, cycle park facilities, bin storage & landscaping and access gates.

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 or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 13 March 2017.

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.

4.1 - SE/16/03117/FUL Revised expiry date 20 March 2017

PROPOSAL: Proposed rear dormer loft conversion to No.19 Mount Close, and the erection of an attached dwelling to the side of No.19 Mount Close.

LOCATION: 19 Mount Close, Sevenoaks, Kent TN13 3EG

WARD(S): Sevenoaks Northern

ITEM FOR DECISION

Councillor Krogdahl has referred this application to the Development Control Committee for the following reasons:

- the development would have a detrimental impact upon the character and appearance of the street; and
- Sets a precedent within the locality.

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

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

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

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

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

3) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The landscaping scheme shall include the following details:

- a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;
- b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate boundary treatment to the front of the approved dwellings), walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
- d) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two

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year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to preserve the appearance and character of the site and locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings shall be submitted to and approved in writing by the Local Planning Authority. L_{Amax,F} during the period 2300 to 0700 should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.

To safeguard the amenities of the future occupiers of the new dwelling as supported by Policies EN1, EN7 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall take place until a schedule of biodiversity enhancement that includes a plan showing their locations have been submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the new dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) Before the use or occupation of the new dwelling hereby permitted, the car parking shown on the approved drawing GBT-020-PL-005 Rev.B shall be provided and shall be kept available for the parking of cars for both properties at all times.

In the interest of highway safety as supported by policies EN1 and T2 of the

Sevenoaks Allocations and Development Management Plan.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out.

In order to safeguard the residential amenities of existing and future occupiers of the development and surrounding properties in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

8) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To mitigate the impact upon nearby amenities of surrounding residents during construction, in accordance with policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

9) The development hereby permitted shall be carried out in accordance with the following approved plans:GBT-020-PL-001 Rev.A, GBT-020-PL002 Rev.A, GBT-020-PL-005 Rev.B, GBT-020-PL-006, GBT-020-PL-007.

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

Informatives

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

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Building Control team on 01732 227376 or visit www.sevenoaks.gov.uk for further details.

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

4) Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email Thames Water a scaled ground floor plan of your property showing the

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proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over/near to agreement is required.

Note to Applicant

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

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 Proposed rear dormer loft conversion to No.19 Mount Close, and the erection of an attached dwelling to the side of No.19 Mount Close.

Description of Site

- 2 The application site relates to a semi-detached bungalow located to the southeastern end of a residential close. Within the close reside five pairs of semi-detached bungalows that are arranged on a regular building line, set back from the road. The dwellings are sited around a top of a turning head access from a road from Robyns Way. The rear of the site borders with the mainline to London.

- 3 The site is not within a statutory designated protected area but is within the built confines of Sevenoaks.

Constraints

- 4 Built confines of Sevenoaks.

Policies

Allocation and Development Management Plan

- 5 Policies - SC1, EN1, EN2, EN7, T2, GI1

Sevenoaks Core Strategy

- 6 Policies - L01, L02, SP1, SP2, SP5, SP7, SP11

Other

- 7 National Planning Policy Framework;
8 National Planning Policy Guidance;
9 CIL Regulations;
10 SDC Residential Character Assessment - J05
11 Kent Design Review - Interim Guidance Note 3 - Residential Parking

Planning History

- 12 None Relevant

Consultations

Sevenoaks Town Council

- 13 Recommends approval

Riverhead Parish Council

- 14 No comment

KCC Highways

- 15 No comment

SDC Environmental Health Officer

- 16 No objection raised

Environment Agency

- 17 No comment

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Network Rail

18 No response

Representations

19 Neighbours - 11 objections received. Objecting on the following matters:

- Loss of a mature eucalyptus tree;
- Development out-of-keeping;
- Increased traffic and on-street parking - highway safety issues;
- Restrictive covenants;
- Additional vehicle movements would cause disturbance to adjacent properties;
- Loss of the amenity area;
- Sets a precedence for similar development

Chief Planning Officer's Appraisal

Principal Issues

20 The main considerations of this application are:

- Principle of Development;
- Impact upon the character and appearance of the street scene;
- Impact upon existing residential amenity;
- Highways;
- Biodiversity;
- Sustainable Construction;
- Other Issues.

Principle of development

21 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land.

22 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

23 Part of the site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF states that "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be*

assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens...”

- 24 SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the Development Plan will be approved without delay unless material planning considerations indicate otherwise.
- 25 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements.
- 26 This site is within the built confines of Sevenoaks, and as such there is a presumption in favour of development. The development of this windfall site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy’s current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.
- 27 The National Planning Policy Framework (NPPF) removed gardens from the definition of *‘previously developed land’*, as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 28 Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly consistent with Policies LO1, LO2 and SP1 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 29 In terms of density, Policy SP7 of the Core Strategy sets a density of 40 dwellings per hectare for developments within built up areas and the development of 1 dwelling would be broadly consistent with this.
- 30 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. No objection is raised to the sub-division of the existing plot and provision of an additional dwelling. Though, this will be heavily dependant on whether such development may be achieved subject to other material planning considerations.

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Impact upon the character and appearance of the street scene

- 31 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; *‘Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’*. Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 32 Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 33 The houses within Mount Close are pairs of semi detached bungalows set within the close to which many have had extensive alterations and extensions to them and have off street parking areas to their frontages. No 19 Mount Close is located at one end of the close forming a part of a pair of semi detached bungalows with open plan boundary treatments.
- 34 In terms of the position of the new dwelling, it is considered that it would respect and utilise the proportions of its host, by maintaining the roof ridge heights and respecting the existing front and rear building lines. The new property would extend the building form to the southwestern corner of the Close, however it is not considered that this extension to No.19 is so harmful to warrant a reason to object, despite the objections raised by neighbours. The development would not erode an important gap between flank walls of dwelling as there is no regular linear pattern of built form to this side of the close and the nearest neighbour being 56A Robyns Way, which is located on a lower level to this site and is located approximately 17m to the southeast. The new dwelling would respect the existing building lines of the development and would not become a prominent feature within the street scene when viewing the site from the northeast.
- 35 The design of the dwelling is not too dissimilar to those found within the locality and its design reflects elements of those found within the close so it is sympathetic to the general character of development around it.
- 36 The roofscape of the dwellings on Mount Close are pitched with brown coloured concrete roof tiles. The existing roofscape within the close is populated with various alterations to the roof of the bungalows. It is noted that the proposed dwelling does introduction a half hip roof to the southeast facing elevation, however due to the degree and various alterations can be found to the roofs of other bungalows within the street, it would unreasonable to object to this roof design, when many properties within the street have had alterations/additions. It is agreed with third party representations that the symmetrical appearance of the pair of semis would be unbalanced by this proposal; however it is not considered to be demonstrably harmful, as the original character and uniformity of the Close has been diminished over the years.

- 37 With regard to the proposed roof dormers to the host and the new dwelling, both of these dormers would be sited to the southwestern facing rear roof plane. Both dormers would be sited below the ridge heights of the two dwellings and would not be seen from within the close, whilst the proposed dormer to the host dwelling is modest in size, this together with the dormer proposed within the roof plane of the new dwelling, would not be seen from within the close and further afield and considered appropriate in this instance especially when roof additions within the street are common features.
- 38 Off Street parking would be provided to the frontage of the site. Whilst nearby dwellings have off street parking to the front and sides of the houses. Two off-street independent parking spaces are proposed for both plots and can benefit with some small scale soft landscaping treatment that can be secured by condition. Comments have been made in relation to the loss of the amenity area/grass verge to the front of site. Whilst part of this amenity land, part is within the ownership of the applicant and part of it will be occupied by a new driveway. In light this only a small part of the land would be utilised and the majority of it would be retained as a grass verge. In this regard it is not considered that this element of the scheme would be harmful to the general quality of the surrounding street scene.
- 39 Representations have been made referring to the loss of a Eucalyptus tree that resided adjacent to the southeastern boundary of the site. However, this tree has been felled during the progress of this application. The tree was not protected and was felled without the need of any formal consent of the local planning authority.
- 40 Overall, it is considered that the proposed dwelling is of a design that sympathises with the character and appearance of the surrounding area. On this basis, this proposal would conform to policy EN1 of the ADMP, policies SP1, LO1 of the Core Strategy.

Impact upon existing residential amenity

- 41 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 42 Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 43 The new dwelling would be hosted by No.19. The new dwelling would not project beyond the existing front and rear building lines of its host. A loss of light assessment has been undertaken using the 45^o degree methodology as cited in the adopted SDC Residential Extensions SPD. Analysis shows that no neighbouring property would be affected by the development.
- 44 Due to the orientation and design of the development, overshadowing would occur to end of the rear garden that serves No. 56 & 56a Robyns Way. As only overshadowing would occur within a small proportion of the day; this

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together that no habitable windows of neighbouring properties would be affected, the harm caused by the development would be minimal.

- 45 The proposed roof dormer would have rear facing windows that would overlook the railway line and the rear garden areas of adjacent properties, in particular the relationship between Nos 17 and 19 Mount Close. The introduction of a dormer would have view of the rear garden of No.17, but due to the inter-visibility caused by the rear elevation of the dwelling, would adequately protect their private amenity area. This would also apply to the relationship between the new dwelling and No.19.
- 46 In terms of size, layout, daylight and outlook, the proposed dwelling would provide an adequate living environment for future occupiers. The Council does not have minimum standards in relation to the size of external amenity areas for proposed new dwellings and the scheme does benefit from areas of usable garden space. It is considered that the proposal would provide future occupiers with an adequate amount of usable garden space and allow for a satisfactory standard of living conditions in accordance with relevant policy.
- 47 Upon considering the above, the proposed development would not harm the existing residential amenity of occupiers of adjoining properties, in accordance with Policy EN2 of the ADMP.

Highways

- 48 Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP. It states that a three bedroom unit located in a suburban location should provide 2 independently accessible spaces per unit. In this regard, the off-street parking provision would comply with current parking standards.
- 49 It is recognised that the close has parking restrictions within it and is near to good public transport links. Despite the third parties objections relating to the lack of parking, it is clear that the development conforms to Policy T2 of the ADMP. There is no good reason to object on this basis.
- 50 The additional vehicle movements generated by the new dwelling would not give rise to any highway safety issues, as access to the site is from an existing and extended access from the end of the close. The additional 6- 8 vehicle trips a day generated by a household is unlikely to cause a highway safety issue, especially when the close has no through traffic.

Biodiversity

- 51 Paragraph 118 of the NPPF and SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site. As such a condition could be required to secure those details to improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy.

Sustainable construction

- 52 Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present the code standard requires a code 3 standard.
- 53 Section 1(1)(c) of the Planning and Energy Act 2008 gives local planning authorities in England and Wales the power to include, in their development plan documents, policies that require development in their areas to comply with energy efficiency standards that are more stringent than those under the Building Regulations.
- 54 Section 43 of the Deregulation Act will stop section 1(1)(c) of the Planning and Energy Act 2008, applying to construction of or any other work on dwellings in England. As yet section 43 of the Deregulation Act is not in force and will be commenced by a commencement order at some future time. When the section is in force the development plan will no longer be able to require energy efficiency standards to application on dwellings - new or adaptations
- 55 For the time being Policy SP2 is still backed by legislation in the Planning and Energy Act 2008. Until section 43 of the Deregulation Act is in force it must be considered where relevant.
- 56 However, a material consideration is the recent ministerial statement. Therefore, whilst the application has been considered against the development plan in this respect, material considerations dictate that in this instance the required conditions should not be imposed.

Other Issues

- 57 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, sites within designated rural areas, such as this site, contributions should not be sought from developments of 5 units or less.
- 58 This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.
- 59 The site is within close proximity of a railway line which is a mainline into London serviced by trains on a regular basis. Whilst it is accepted that residential development is acceptable in this location, it would be reasonable to ensure the future occupiers of the dwelling would enjoy a reasonable amenity. Therefore it would be reasonable to impose a

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condition to seek for an acoustic survey to be undertaken to determine whether any mitigation measures would be required or not in accordance with the relevant British Standards and ADMP policy EN7.

- 60 It is noted the site is within a populated area surrounded by residential properties, in an area which is relatively quiet. A concern is raised with regard to the noise generated by any future construction. To mitigate the impact arising from this it would be appropriate to impose a condition restricting construction hours to ensure the development would not detrimentally affect the amenities of neighbouring occupiers at unreasonable times.
- 61 Due to the size and proximity of neighbouring properties it would be reasonable to remove Classes A, B, C, E of Part 1 of the Town and County Planning General Permitted Development Order 2015 (as amended). By doing so would remove the prospect of any new additional built form to be added within the site that could cause detriment to the amenities of adjacent properties, in accordance with National Planning Policy Guidance.
- 62 Within the third party responses comments have been made in relation to covenants restricting development and setting of precedence for similar type of development within the locality. Restrictive covenants is a civil/private matter to be agreed between parties who have an interest in the land and not a material planning consideration. In relation to setting a precedent, the site is within the built confines of Sevenoaks whereby the principal of development is accepted. However as cited in planning legislation, each application has to be determined on its own merits. As such, if this application were to be approved, it does not necessarily imply that it sets a precedent for other to follow as each site has different qualities and characteristics.

Access Issues

- 63 There are no adverse access issues with this application.

Community Infrastructure Levy

- 64 This proposal would be is CIL liable.

Conclusion

- 65 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, location and design and would respect the character and appearance of the area. It would not be harmful to neighbour amenity and would provide for adequate parking. There are no other issues that could not be addressed by appropriate condition.

Recommendation

- 66 That planning permission is granted.

Background Papers

Site and Block Plan

Contact Officer(s): Sean Mitchell Extension: 7349

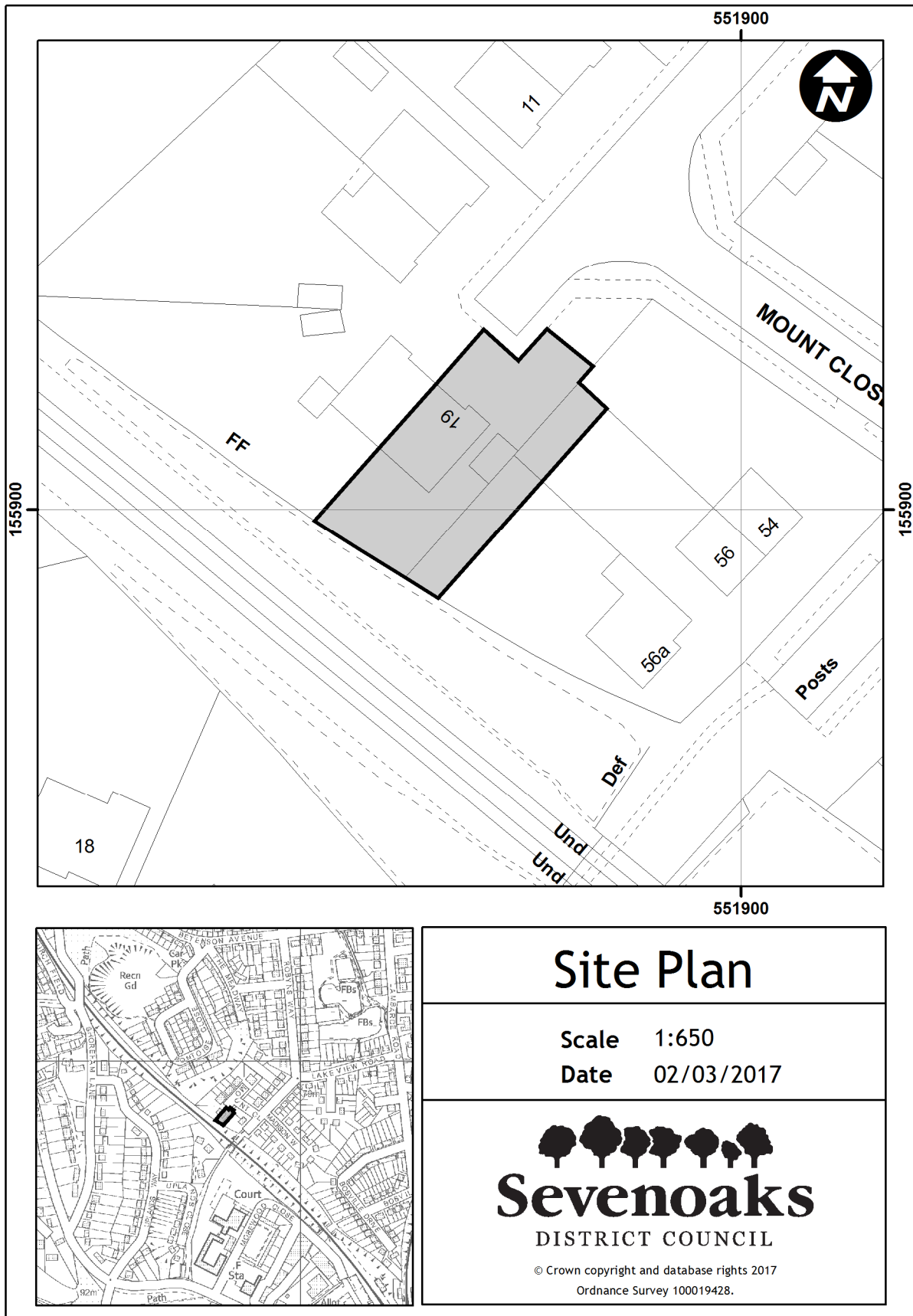
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEW4J6BKMOA00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OEW4J6BKMOA00>



Block Plan



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4.2 - SE/16/03359/FUL Revised expiry date 20 March 2017

PROPOSAL: Demolition of existing property. Proposed replacement with 2No. detached dwellings with separate road access.

LOCATION: 19 Mount Harry Road, Sevenoaks TN13 3JJ

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application is referred to Development Control Committee by Councillor Fleming on the grounds of loss of amenity to number 17 due to bulk and scale of the proposed adjacent dwelling and the negative impact the development has on the street scene.

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: Dwg Nos. E001, P-200, P-210, P451, P-452, P-300, P-301, P-450, P-454.

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

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

4) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;
- b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate boundary treatment to the front of the approved

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

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to preserve the appearance and character of the site and locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

- 5) No development shall take place until details shall be submitted in writing to and be approved by the Local Planning Authority of the existing and proposed ground levels including the proposed ground floor slab level. The scheme shall be carried out in accordance with the approved details.

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

- 6) No development shall take place until a schedule of biodiversity enhancement that includes a plan showing their locations have been submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the new dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012. 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) Before the use or occupation of the development hereby permitted, the car

parking shown on the approved drawing P-300 shall be provided and shall be kept available for the parking of cars at all times.

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

8) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. The means of tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land;(b) No fires shall be lit within the spread of branches of the trees and other vegetation;(c) No materials or equipment shall be stored within the spread of the branches of the trees and other vegetation;(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees and other vegetation;(e) Ground levels within the spread of the branches of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those Orders) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be carried out to House A as shown on approved plan no. P-451 hereby permitted.

In order to safeguard the residential amenities of existing and future occupiers of the development and surrounding properties in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

10) The first floor window(s) on the northeast facing elevation of House A shall be fitted with obscure glass (privacy level/grade 2 or higher) before the development hereby permitted is first occupied, and apart from any top hung light shall be non-opening and thereafter shall be so retained.

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

11) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 2) Surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

Note to Applicant

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

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 It is proposed to demolish the existing dwelling and erect a two storey detached dwellings within the built confines of Sevenoaks. It involves the subdivision of an existing modest sized residential plot that is host to a single detached house with a substantial amount of garden area to its front and rear.
- 2 The dwellings are to be set back from the road to the same extent as the existing, to provide two off-road parking spaces for the dwellings. The dwellings will be two storey in height and will have approx. 45 -47° pitch roofs with front and rear gable ends. The existing ground level will be lowered by approx. 700mm. The proposed dwellings will have a ridge height of approx. 9.1m from adjusted ground level. Both dwellings will accommodate up to 5 bedrooms. The dwellings will formed of vernacular materials and architectural style of the inter-war period, by the use of bay windows, gable end frontages with overhangs.

Description of Site

- 3 The site lies within the built confines of Sevenoaks. It comprises a wholly residential road with modest sized two storey detached dwellings and a mix of differing architectural styles. The houses with the road retain a good set back from the road with a majority of front garden areas being used for off - street parking.
- 4 This part of the street the road slopes upwards in a south-westerly direction. This site comprises of a modest sized, two-storey detached dwelling that has had extensive additions to it. The dwelling itself is sited upon an elevated position from the roadside and to No. 17 Mount Harry Road whereby there is a notable change in ground level by approx. 2.3m. The plot size itself is approx. 0.16ha and is enclosed with various boundary treatments. Off street parking is available to the front of the site.

Constraints

- 5 Built confines of Sevenoaks

Policies

Allocation and Development Management Plan

- 6 Policies - EN1, EN2, T2

Sevenoaks Core Strategy

- 7 Policies - L01, L02, SP1, SP2, SP5, SP7, SP11

Other

- 8 National Planning Policy Framework;
- 9 National Planning Policy Guidance;

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- 10 CIL Regulations;
- 11 Kent Design Review - Interim Guidance Note 3 - Residential Parking;
- 12 Sevenoaks Residential Character Area Assessment - F04 Mount Harry Road Area

Planning History

- 13 97/01739 - 1st storey rear extension - GRANTED

89/01180 - Single storey Victorian style conservatory to the rear of property - GRANTED

08/01114 - Extension to rear of dwelling - GRANTED

Consultations

Sevenoaks Town Council

- 14 Sevenoaks Town Council recommended refusal on the following grounds:
 - Loss of amenity to no.17 due to the bulk and scale of the proposed adjacent dwelling;
 - Negative impact on the street scene.

Representations

- 15 Neighbours - 3 objections received, objecting for the following reasons:
 - Overbearing;
 - Loss of light and overshadowing;
 - Not in keeping with character and appearance of area;
 - Excessive in size

Chief Planning Officer's Appraisal

Principal Issues

- 16 The main considerations of this application are:
 - Principle of Development;
 - Impact upon the character and appearance of the street scene;
 - Impact upon existing residential amenity;
 - Highways;
 - Biodiversity;
 - Sustainable Construction;
 - Other Issues

Principle of development

- 17 The NPPF has a general presumption in favour of sustainable development, whilst encouraging the delivery of homes of a high quality design and a good standard of amenity for all, whilst reusing previously developed land.
- 18 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 19 Part of the site is clearly previously developed land. However, it should be noted that the definition of Previously Developed land in Annex 2 of the NPPF states that *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: ... land in built up areas such as private residential gardens...”*
- 20 SC1 of ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with policies in the Development Plan will be approved without delay unless material planning considerations indicate otherwise.
- 21 At a local level, policies L01 and L02 of the Core Strategy requires development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy L02 of the Core Strategy places emphasis that suitable employment sites will be retained and provision will be made for housing within Sevenoaks Urban Area.
- 22 This site is within the built confines of Sevenoaks, and as such there is a presumption in favour of development. The development of this windfall site would make a welcome, small, contribution to the housing provision within the district; however it is not critical to the delivery of the Core Strategy’s current housing targets. The broad location of development is accepted in an established residential suburb within the built confines of Sevenoaks, and supported by the necessary infrastructure.
- 23 The National Planning Policy Framework (NPPF) removed gardens from the definition of ‘previously developed land’, as cited earlier. Whilst the NPPF places an emphasis on development of previously developed land, this does not preclude such land from being developed, provided such development is in a suitable location and relates well to its surroundings.
- 24 Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly

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consistent with Policies LO1, LO2, SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.

- 25 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration new residential development will be expected to achieve a density of 40 dwellings per hectare. Without prejudice to an assessment of the development against relevant design policies the proposal would not represent overdevelopment of the land.
- 26 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. No objection is raised to the replacement of a dwelling and provision of an additional. Mount Harry Road and the surrounding area is predominantly residential in character. The principle of subdivision of the plot and erection of two dwellings would reflect the general pattern of development in the area and is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.

Impact upon the character and appearance of the street scene

- 27 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; *‘Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’*. Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 28 The site falls within the Mount Harry Road Area (L04) of the Residential Character Area Assessment SPD. This states that Mount Harry Road and Woodside Road comprise individually designed detached houses set back from the road on a relatively regular building line. Groups of buildings are visible above walled, fenced, hedged and trees-lined front boundaries. The formal layout is created by the wide road with footways and a relatively regular building line, with spacing between buildings. Locally distinctive positive features are identified as individually designed mostly two storey detached houses which are set back from the road along a relatively regular building line with gaps between buildings, and trees and boundary hedges. Design guidance for the area states that some infill development and redevelopment has occurred in this character area and there is limited potential for further such development and the area is likely to remain largely unchanged over time; in proposing new development within the Mount Harry Road Character Area development should be set back from the

road and respect the relatively regular building line, mature trees and hedge, or wall and hedge, boundaries which contribute to the character of the area should be retained.

- 29 The architectural styles of houses within Mount Harry Road is very mixed but conforming to a regular building line, set back from the road. The appearance of properties in the locality varies from site to site. Most properties on the southeastern side of the street are large in size but are situated on appropriately sized plots with large frontages. Even though properties are large there is an open element to the character of the area by the retention of them being set back from the roadside. The frontages of most plots in the locality are softened by mature trees and hedging together with some hard boundary treatment.
- 30 The proposed dwellings would be situated in a similar position to that of the existing dwelling, with the plot nearest to No.17 (House A) being set onto a lowered ground level to the eastern side of the plot where a garage currently exists. The proposed dwellings would also have a similar ridge height to that of the existing dwelling in the street scene, both being approx. 9.1m in height and comprises as an appropriate transition between the height of building Nos. 17 and 21 Mount Harry Road. The ridge height of the proposed dwellings would not have an overbearing impact nor would they dominate the existing street scene.
- 31 Given the stepped nature of the development across the site, and the relative heights of the dwelling at 17 Mount Harry Road to the east and 21 Mount Harry Road to the west, it is considered that the height of both of the dwellings would sit comfortably within the street scene. It is acknowledged that the street scene plan submitted is simplistic; however it is a useful tool in comparing the relative heights of the proposed scheme and adjoining properties. This plan demonstrates the difference between the proposed dwelling and existing properties and clearly shows that with the development would respect the change in levels in this part of the street and with the neighbouring properties.
- 32 When viewing the site from the east, the facing flank of the easternmost facing dwelling, its flank would be partially exposed by the proposed roof form, being on higher ground than No.17. With only a section of the main roof of the building available to see, the perceived depth of the building would therefore be reduced by the intervention of the existing built form of No. 17, but nevertheless would still be seen from the road.
- 33 From the west, views of the other new dwelling would be available through its frontage however it would partially obscured by the existing trees to the front and side of the side. This would mainly screen the property from the street and its perceived depth would therefore be reduced by this screening and by the built form of No.21. The existing trees and landscaping to the southwestern boundary of the site can be protected by a condition as part of any approval.
- 34 Whilst the proposed dwellings are bigger than the existing dwelling in terms of their scale and bulk, the floorspace increase is not the test of the acceptability of the scheme in an urban area.

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- 35 When viewing the site directly to its front, the additional built form of an additional dwelling would not appear to be out-of-context, since other properties within the locality are modest in size and quite large.
- 36 The design of the dwellings are not too dissimilar to those found within the locality, reflecting design elements of those houses found elsewhere within the road and so they would be sympathetic to the general character of development around it.
- 37 Off Street parking would be provided to the frontage of both plots with their perimeters being retained for landscaping and access to the new dwelling. Two off-street parking spaces are proposed together with a turning area, this element of the scheme would not be harmful to the general quality of the surrounding street scene as it would enable the open, spacious character of the area to be retained.
- 38 Overall, it is considered that the proposed dwellings are of a design and scale that sympathises with the character and appearance of the surrounding area. On this basis, this proposal would conform to policy EN1 of the ADMP, policies SP1, LO1 the Core Strategy and design guidance as cited by the SDC Residential Character Assessment.

Impact upon existing residential amenity

- 39 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 40 Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 41 The proposed dwelling (House A) would be located adjacent to No.17 Mount Harry Road. This adjacent two storey dwelling is sited upon ground that is approx. 2.3m lower than the existing ground level at present. The new easternmost dwelling, at its closest point would be within 5.9m to the flank elevation of No.17. It is noted that the flank southwest facing elevation of No.17 has windows at ground and first floor levels. These windows are secondary windows to the habitable rooms that they serve, but nevertheless a loss of light assessment has been undertaken using the 45° degree methodology as cited in the adopted SDC Residential Extensions SPD. Analysis shows that the first floor flank secondary windows that serve No.17 would be affected by development, and there would be some occurrence of loss of light. However as these windows that serve habitable rooms are secondary and the principal windows serving those rooms are front and rear facing, the harm to these windows will be very limited. In terms of the secondary windows ground floor flank elevation of No. 17, these windows are already affected by the existing development on site. As such, the light serving these windows to No. 17 Mount Harry Road would not be significantly reduced by the proposed development.

- 42 In term of the impact of loss of light to No.21 Mount Harry Road, this property is sited upon the same ground level as the proposed House B (westernmost plot). There are no flank windows in the northeast facing elevation of No.21. No habitable room windows that serve No.21 would be unduly impacted by the development proposed.
- 43 With regard to potential loss of sunlight, the proposed development would overshadow part rear area of No.17. However it is recognised that the rear garden area is southeast facing leaving most of the day being unfettered by the proposed development. However it would be partially overshadowed in the late afternoon/evening; however this harm that has been identified is not significantly harmful to justify a reason for refusal in this instance despite the objections raised by third parties.
- 44 The proposed development would be in view from the flank western windows of No.17. Despite the development being higher than the present building on site, it is noted that it has been pulled away approximately 1.3m from common northeastern boundary No.17. The development would not be in view from the principal ground and first floor windows to the front and rear elevations of Nos. 17 and 21 and therefore would not have an overbearing impact or affect the outlook from these windows to justify an objection. The development would be seen immediately from the rear garden area of No.17 being in close proximity to the common boundary but approximately 3.5m of the rear elevation of the dwelling would be in view, as this is the extent of the rear projection of the proposed dwelling. Notwithstanding this, the height of the extension together with the extent of its rear projection from the rear building line of No.17, most of the sky exponent to the rear garden of No.17 would be unobstructed and therefore it is considered that the development would not have an overbearing impact.
- 45 In terms of the siting of dwelling adjacent to No. 21 Mount Harry Road, by reason of the separation distance (4m between flank elevations) it would not result in any loss of amenity, including in terms of daylight, outlook or privacy to this property. Some overshadowing may occur to the side and part of the rear amenity area of the property in the morning; however, it would only be a small portion of the day due to the orientation of the development. As such it is not considered that the harm identified is significant to justify a reason for refusal.
- 46 The development would result in the introduction of additional built form on the site and this would be noticeable to the occupiers of buildings directly opposite. These dwellings are sited to the opposite side of the road and would be in excess of 40m from the proposed dwellings across the road. The development would retain gaps between the buildings and boundaries and the separation, in relation to the street would be sufficient to ensure the development would not result in a loss of daylight or privacy or be unduly overbearing.
- 47 In terms of size, layout, daylight and outlook, the proposed dwelling would provide an adequate living environment for future occupiers. The Local Planning Authority does not have minimum standards in relation to the size of external amenity areas for proposed new dwellings and the scheme does

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benefit from areas of usable garden space, with indicative perimeter planting and patio area. It is considered that the proposal would provide future occupiers with an adequate amount of usable garden space and allow for a satisfactory standard of living conditions in accordance with relevant policy.

- 48 Upon considering the above, the proposed development would not harm the existing residential amenity of occupiers of adjoining properties, in accordance with Policy EN2 of the ADMP.

Highways

- 49 Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP. It states that a five bedroom unit located in a suburban location should provide 2 independently accessible spaces per unit. Policy T2 states the Local Planning Authority may depart from the maximum or minimum standards in order to take into account of specific local circumstances.
- 50 This proposed would provide the required 2 independently accessible off street parking spaces and any additional demand created could be accommodated on street or utilise part of the driveway. The required amount of off-street parking offered on site for a 5 bedroom property would therefore meet the interim vehicle parking provision standards and conforms to policy T2 of the ADMP.
- 51 The additional traffic movements generated by the development approx. 7-10 vehicle movements per dwelling would not lead to conditions that area prejudicial to highway safety.

Biodiversity

- 52 Paragraph 118 of the NPPF and SP11 of the Core Strategy sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design. Proposals do not include a range of features designed to enhance the ecological value of the site. As such a condition could be required to secure those details to improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy.

Sustainable construction

- 53 Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present the code standard requires a code 3 standard.
- 54 Section 1(1)(c) of the Planning and Energy Act 2008 gives local planning authorities in England and Wales the power to include, in their development plan documents, policies that require development in their areas to comply with energy efficiency standards that are more stringent than those under the Building Regulations.
- 55 Section 43 of the Deregulation Act will stop section 1(1)(c) of the Planning and Energy Act 2008, applying to construction of or any other work on

dwellings in England. As yet section 43 of the Deregulation Act is not in force and will be commenced by a commencement order at some future time. When the section is in force the development plan will no longer be able to require energy efficiency standards to application on dwellings - new or adaptations

56 For the time being Policy SP2 is still backed by legislation in the Planning and Energy Act 2008. Until section 43 of the Deregulation Act is in force it must be considered where relevant.

57 However, a material consideration is the recent ministerial statement. Therefore, whilst the application has been considered against the development plan in this respect, material considerations dictate that in this instance the required conditions should not be imposed.

Other Issues

58 In relation to affordable housing, on 28 November 2014 the Government issued a Written Ministerial Statement that amended National Planning Practice Guidance (PPG) to restrict the circumstances where contributions for affordable housing should be sought. Under that guidance, sites within designated rural areas, such as this site, contributions should not be sought from developments of 5 units or less.

59 This is a material consideration that should be taken into account when determining planning applications and must be weighed against Policy SP3 of the Core Strategy. It is noteworthy that the material consideration post dates the Core Strategy and was confirmed by the Court of Appeal in 2015 and thus afforded weight. Since the development size is below the threshold introduced in the Written Ministerial Statement a strict adherence to the edicts of Policy SP3 is unlikely to be substantiated at appeal as such a contribution to affordable housing would not therefore be sought on a development of this size.

60 Due to the size of the size and proximity of House A to No.17 and the change in ground levels, it would be reasonable to remove Class A, Part 1 of the Town and County Planning General Permitted Development Order 2015 (as amended). By doing so would remove the prospect of any new additional built form to be added within the site that could cause detriment to the amenities of adjacent properties, in accordance with National Planning Policy Guidance.

61 It is noted that the site is within a populated area surrounded by residential properties. Therefore it would be appropriate to impose a condition restricting construction hours to ensure the development would not detrimentally affect the amenities of neighbouring occupiers at unreasonable times from construction activities. Whilst it is recognised that there would be some degree of disturbance to adjacent occupiers, it would only be limited to the construction phase of the development and would be partially mitigated by use of such a condition.

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Access Issues

62 There are no adverse access issues with this application.

Community Infrastructure Levy

63 This proposal is CIL liable and no exemptions have been applied for.

Conclusion

64 The principle of the development of the site is considered to be acceptable in land use terms. The development would be appropriate in terms of height, scale, location and design and would respect the character and appearance of the area. As the development would be set within the context of built form within Sevenoaks, the development would preserve and enhance the character and appearance of the area. It can be demonstrated that the development would not be harmful to neighbour amenity and would provide for adequate off street parking provision. There are no other issues that could not be addressed by appropriate condition.

RECOMMENDATION

That planning permission is granted.

Background Papers

Site and Block Plan

Contact Officer(s): Sean Mitchell Extension: 7349

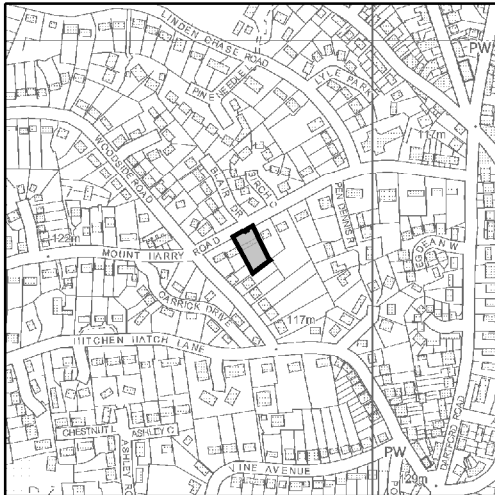
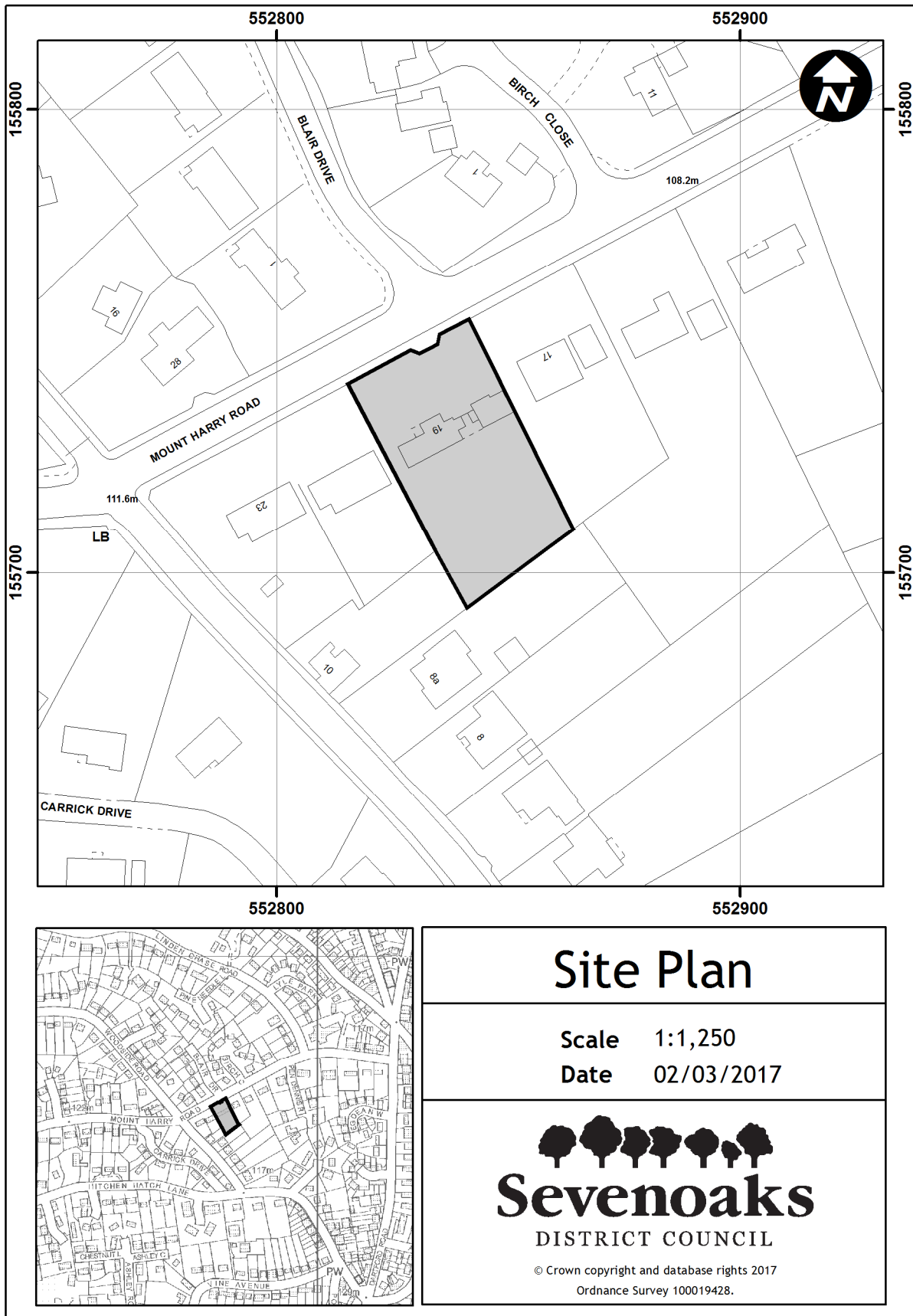
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OG0XZ7BKJPR00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG0XZ7BKJPR00>



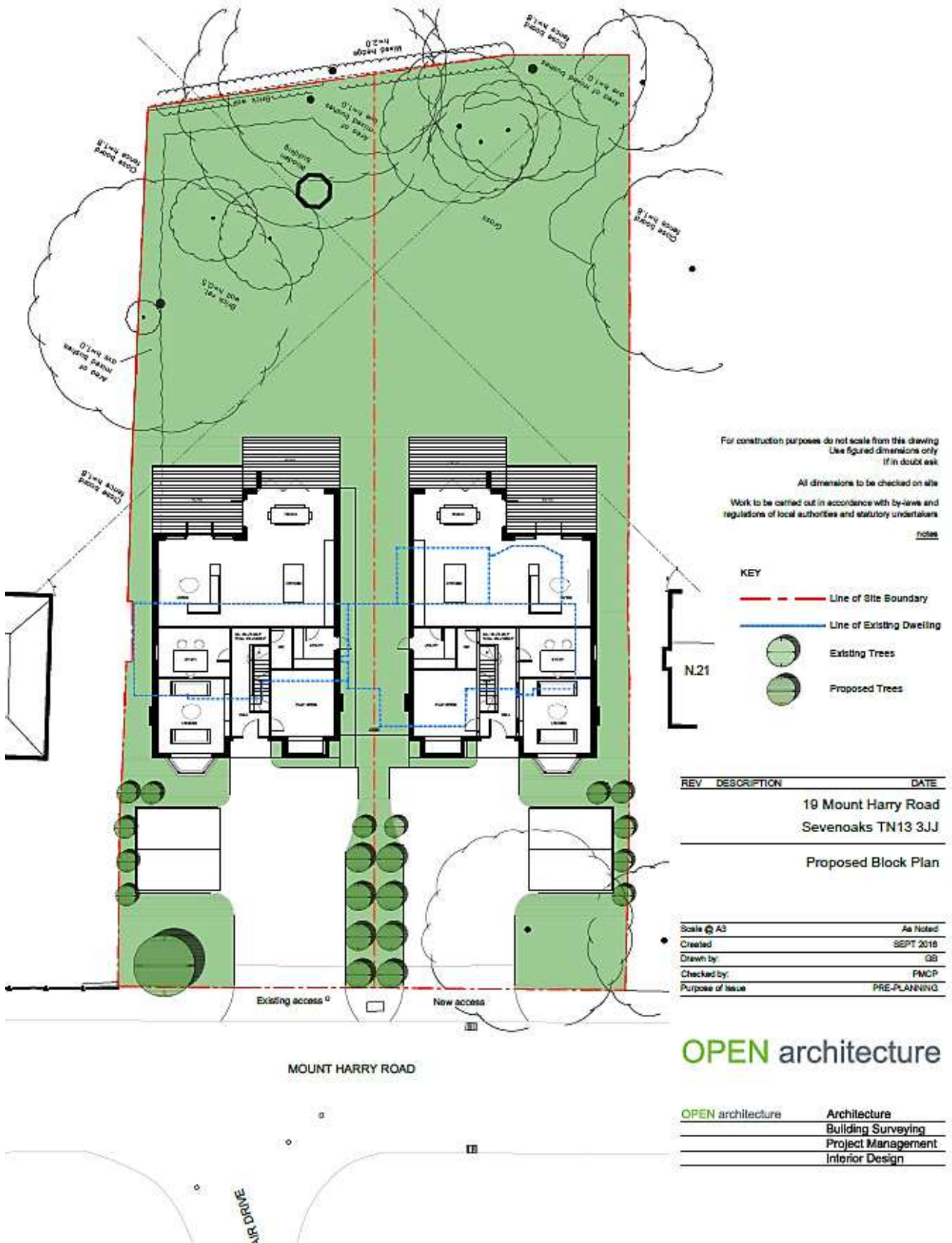
Site Plan

Scale 1:1,250
Date 02/03/2017


Sevenoaks
DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block Plan



4.3- SE/16/03811/FUL Date expired 10 February 2017

PROPOSAL: Proposed glazed pavilion with bi-folding doors and a glazed access door with retractable roof over existing court yard, alterations existing garage door to add a single door access and conversion of store to a new tasting bar.

LOCATION: The Mount, Church Street, Shoreham TN14 7SD

WARD(S): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillors Lowe and Edwards-Winsor on the grounds relating to impact on the Green Belt, openness and the use of the proposal only during inclement weather.

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

The proposed development would represent inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt, contrary to policy GB8 of the Sevenoaks Allocations and Development Plan and the NPPF.

The proposed development would cause harm to the character of the landscape and fail to both conserve and enhance the character of the Kent Downs Area of Outstanding Natural Beauty, contrary to policy EN5 of the Sevenoaks Allocations and Development Management Plan and policies SP1 and LO8 of the Sevenoaks Core Strategy.

The proposals, by reason of the proposed materials and finishes, would cause less than substantial harm to the character and appearance of the Shoreham High Street Conservation Area, contrary to policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan and policy SP1 of the Sevenoaks Core Strategy.

The application lacks sufficient detail to assess whether amenity of nearby residential properties and highway safety would be safeguarded, contrary to policies EN2 and T2 of the Allocations and Development Management Plan.

Note to Applicant

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

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may arise in the processing of their application,

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

In this instance the applicant/agent:

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

Description of Proposal

- 1 Proposed glazed pavilion with bi-folding doors and a glazed access door with retractable roof over existing court yard, alterations existing garage door to add a single door access and conversion of store to a new tasting bar.

Description of Site

- 2 The Mount is an existing agricultural holding comprising approximately 11.3 hectares to the north of Shoreham village. The application documents states that 50% of the land is used for viticulture and 50% is arable. The site is accessed via a single track from the northern side of Church Street, located between '2 The Bungalow' and 'Little Record'. The site comprises open farmland with a substantial two storey Victorian residential dwelling set centrally within the grounds of the estate.
- 3 An existing wine bar and tasting facility exist in the northern side of the residential building in the ground floor of the Coach House and are open to the public to taste wines produced by vines on the estate. These facilities have previously been considered to be ancillary to the existing agricultural and residential uses due to their limited scale. The wine bar and tasting facilities do not benefit from planning permission or associated planning conditions.

Constraints

- 4 Metropolitan Green Belt
- 5 Area of Outstanding Natural Beauty (AONB)

- 6 Shoreham High Street Conservation Area
- 7 Biodiversity Opportunity Area
- 8 Area of Archaeological Potential
- 9 Public Rights of Way to the north and east of the site

Policies

Allocations and Development Management Plan

- 10 Policies - SC1, EN1, EN2, EN4, EN5, EMP1, GB8

Sevenoaks Core Strategy

- 11 Policies - LO1, LO7, LO8, SP1, SP8, SP11

Other

- 12 National Planning Policy Framework
- 13 Development in the Green Belt SPD
- 14 Shoreham High Street and Church Street Conservation Area Appraisal
- 15 Sevenoaks Countryside Assessment.

Planning History

- 16 04/03114/AGRNOT- Erection of 3 bay agricultural store.- No objection lodged 01.06.2005

02/00135/FUL- Erection of a 3 bay car port and tennis shelter- Granted 25.02.2002

01/02145/FUL- Installation of floodlighting to tennis courts and rain shelter. Erection of a three bay car port/machine store- Refused 23.11.2001

Reasons for refusal related to:
 - Detriment to the character of the AONB and neighbouring amenity and
 - Detriment to the Green Belt due to cumulative impact with other additions on the land.
01/00297/FUL- Extension to existing residential property- Granted 20.04.2001

Consultations

Shoreham Parish Council

- 17 Support: "The Mount is already a good meeting place for the community and a potential future source of employment for local people and the Parish

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Council is therefore keen to help the applicant to further its business. The application also appears to comply with planning rules.”

SDC Conservation Officer

- 18 “The Mount is a large early Victorian house set within extensive grounds to the north-east of the village of Shoreham. The building and its grounds form a heritage asset that positively contributes to the Shoreham Conservation Area, with the estate to the house providing an important rural setting to the historic village core along Church Street.
- 19 The building sits in an isolated position some distance from Church Street. While screened by planting and trees during the summer, during the winter months, including late autumn and spring, the property, notably its front elevation and roofscape, is visible from the railways to the east. Its roofscape may also be visible from other vantage points from within the village and the North Downs.
- 20 From the Conservation point of view there are no objections to an extension of the proposed size in principle. Of concern is however the visual impact of the proposed barrel vaulted roof for which little information has been submitted.
- 21 No details have been submitted on the proposed material of the barrel vaulted roof, other than it is to consist of partially solid panels/partially retractable fabric on supporting steel beams. From the products available on the market for spanning such large areas, such fabrics tend to be of an artificial nature that tends to be both translucent and reflective e.g. Vinyl Coated Polyester or Teflon Coated Fibreglass. The roof will cover an area of approximately 90sqm and by nature of its size, design and material has the potential to stand out as an incongruous feature within the landscape. Until the exact form, design and proposed material have been confirmed for the roof, no full assessment of the visual impact of the proposed structure on the setting of The Mount and wider Conservation Area can be made and the applicant has not demonstrated that no visual harm will occur. As such the proposal cannot be supported from the Conservation point of view at this stage.”
- 22 Further comments: “I have received the sample of the roofing material and albeit being of a grey colour, its surface is not matt but has a shiny effect due to the artificial nature of the fabric. The fabric is also to a significant degree translucent and I am still concerned that given the size of the roof, the structure will be well visible when lit internally. I therefore have no amendments to make to my previous comments and would raise an objection on grounds of the potential harmful effect the new structure has on the character and appearance of The Mount and wider conservation area.”

KCC Public Rights of Way Officer

- 23 No response.

Rural Planning Ltd:

- 24 “This would appear to be a fairly minor proposal, effectively to roof-over (using a retractable awning) a small existing courtyard already in use for the same purpose of wine tasting. Subject to any specific Planning/Design issues, it would appear to be a desirable and appropriate adjunct to the established vineyard here.”

SDC Economic Development:

- 25 “This application concerns a structure which would support a local business in a rural area with their plans for diversification and enable the business to move further towards sustainability.
- 26 The diversification of an agricultural holding into viticulture is creating economic growth in a rural area and supporting rural tourism. The nature of this proposition is to expand the tourism offer by providing facilities suitable for all weather operation which will improve the sustainability and attractiveness to visitors. I understand that the proposed removable roof will be used to provide a tasting area, this is important in terms of providing opportunities for people to sample the product and therefore extending potential markets and improving profile of the brand.
- 27 The Sevenoaks District Council Economic Development Strategy includes the aim to ‘ensure that businesses already located here are sufficiently supported in being able to grow’ and as such we would be keen to see the growth towards a sustainable future for this rural enterprise. Specific actions include Strategic Objective 6 - Rural Economy with the target to ‘enhance and improve the rural economy’ and ‘showcase food produced in Sevenoaks - work with key partners in the rural food industry, farmers and land/estate owners to promote food and drink produced in Sevenoaks’. The nature of this business as a tourism attraction in a rural area means that we should also consider Strategic Objective 7 of the Strategy - Tourism with the action to ‘help facilitate growth in the Tourism industry’.
- 28 It appears that the removable roof will create a much needed all weather area which is important to the future viability and profitability of the concern. The vineyard is competing with others across Kent and beyond and therefore any ability to ensure that they are able to provide a tourism experience all year round will provide a support to this rural business.
- 29 As part of our support Economic Development aim to support local enterprises and we would encourage people to shop locally, Mount Vineyard provides an opportunity for local people to experience locally grown produce and therefore should be encouraged and supported to do this. From my understanding the businesses is integrated well into the local community and has local support as well as providing a venue for the local community, an increased ability to offer a weatherproof area will enhance the potential community use.
- 30 Tourism is a major contributor to economic growth in Sevenoaks supporting 5032 jobs and approximately 4 million people visiting Sevenoaks in 2015 with total visitor economy value of £232 million (The Economic Impact of the Visitor Economy 2015). Supporting tourism attractions is therefore key

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to supporting economic growth in rural areas. The business currently employs a number of people this is expected to rise if this application were to be successful - providing employment in a rural area could help to support local economy further.

- 31 Economic Development would support this application would support sustainable growth and expansion of this business enterprise in rural area through conversion of the existing building. Encouraging the development and diversification of a land based rural business and support of agricultural diversification and rural tourism.”

Representations

- 32 Forty six addresses were notified of the proposals. A site notice was erected at the site entrance on 4th January 2017 and the application advertised in local press on 29th December 2016.
- 33 To date one representation has been received from a local resident. The issues raised can be summarised as follows:
- Potential for increased traffic accessing the site from Church Street and associated potential for added congestion, pedestrian hazard and hazards to other accesses on Church Street
 - Noise disturbance.
- 34 A letter has also been received from ‘Produced in Kent’ in support of the application. The issues raised can be summarised as follows:
- The proposal will allow the vineyard to operate more effectively by offering protection from weather
 - The NPPF seeks to support economic growth in rural areas
 - Kentish Wine has a worldwide reputation as a high quality product that brings economic benefit to the county and tourism investment
 - Food and drink are at the heart of rural economies.

Chief Planning Officer’s Appraisal

Principal Issues

- 35 The main issues for consideration are:
- Whether the development is appropriate in the Green Belt and the impact of the development on the openness of the Green Belt;
 - Impact on designated heritage assets, in particular the Shoreham High Street Conservation Area
 - Impact on the proposal on the character and appearance of the area and the designated AONB;

- Implications on the use;
- Impact on residential amenity;
- Impact on highways and parking;
- Economic Benefits

Whether the development is appropriate in the Green Belt and the impact of the development on the openness of the Green Belt

- 36 The NPPF dictates that the construction of new buildings in the Green Belt is inappropriate, with exceptions as listed in paragraph 89. The list of exceptions includes “*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*”.
- 37 In this case, while the development is for a retractable roof to the courtyard, it is considered to constitute an extension for assessment against Green Belt policies. This is because it entails the erection of structures (both a part fixed/ part retractable roof and associated rising of the existing courtyard walls and bi folding doors) to enclose space. The treatment of this proposal as an extension is consistent with the treatment of planning applications for other similar structures and enclosure of open space.
- 38 As it is considered to be an extension, the Council is therefore satisfied that the proposed form of development could be, by definition, appropriate development in the Green Belt. Local policies are used in establishing whether proposed extensions in the Green Belt represent ‘disproportionate additions’ above the original building.
- 39 It is understood that the main building is in residential use. However, the application seeks to extend the part of the building used for business purposes, rather than a residential part of the building. Therefore, for the benefit of assessment against Green Belt policies, the extension is treated as a non-residential extension under policy GB8, rather than as a residential extension under policy GB1, despite it constituting an extension to a building with a residential lawful use.
- 40 In the case of residential dwellings, policy GB1 restricts the cumulative floorspace of extensions to 50% of the ‘original’ building.
- 41 Policy GB8 of the ADMP relates to limited extensions to non-residential buildings in the Green Belt. This states that extensions to non-residential buildings in Green Belt will be permitted where:
- a) the existing building is lawful and permanent in nature, and
 - b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions would be proportional and subservient to the ‘original’ building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

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- 42 Paragraph 7.47 of the reasoned justification for GB8 states that given the policy can apply to a wide range of uses, the Council do not feel that it would be appropriate to include a floorspace figure guide to what is acceptable. It is therefore a matter of judgement whether extensions are proportionate to the original building. 'Original' is defined by the ADMP as the building as it existed on 1st July 1948, or as first built if built after that date.

Existing Extensions

- 43 It is evident from a site visit that the building has been extended and altered in the past, however, the planning history relating to extensions and alterations are limited. The most useful records derive from the 2001 application for extensions to the main house.
- 44 In 2001 the Officer's report stated that the coach house was existing in 1948 and within 5m of the main house. It was therefore considered as part of the original building rather than extension.
- 45 The extensions approved in 2001 alone, based on the submitted drawings, increased the floorspace of the building by 39% (from 708sqm to 986sqm). It is evident that the permission was implemented and the extensions are in situ.
- 46 The plans make clear that these figures did not include an existing 1970s extension to the southern side of the building and a 'lean-to' on the western side of the Coach House. Based only on rudimentary calculations the 1970s extension appears to comprise approximately 50sqm. The floor area of the lean-to is not known and it is not known if they were part of the 'original' structure.
- 47 A site visit has revealed that there is an additional timber structure to the north of the coach house. This is shown on the submitted drawings as 'Biomass Boiler' with a large flue above. Site photographs from 2001 demonstrate that the courtyard walls at the north side of the Coach House (which this application seeks to enclose) have also been erected since 2001 and exceed 2m in height. There is no evidence of planning permission for these additions. For the purposes of this application, as the Biomass Boiler room is more than 5m from the Coach House it is not included within the Green Belt calculations.

Green Belt Calculations

- 48 In the absence of calculations provided by the applicant, the following calculation of the increase in floorspace of the 'original' building is carried out based on information available:

	Floorspace	% increase above the original
Original	708	-
1970s Extension	50	7

2001 Extensions	278	39
Proposed Extension	159	22
<i>Total</i>	<i>1195</i>	<i>68</i>

- 49 The proposals and earlier extensions would cumulatively increase the ‘original’ floorspace of the building by 68%. This is not considered to represent proportionate additions to the original building.
- 50 As such the proposals conflict with policy GB8 and policy GB1 and are inappropriate development in the Green Belt as defined by the NPPF.
- 51 As set out in paragraph 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 52 Paragraph 88 of the NPPF advises that LPAs should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Impact on Openness

- 53 Harm in principle to the Green Belt, as identified above, remains even if there is no further harm to openness because of the development. Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form and harm to openness can occur even where there is little or no public visibility.
- 54 The proposed enclosure of the existing courtyard, associated increase in the height of the existing courtyard walls (by between 600mm and 800mm) and areas of fixed glazing to either end including bi folding doors, would increase the enclosure of the Green Belt. The alterations would create the perception of an extension of 159sqm in footprint and volume of at least 588 cubic metres.
- 55 The period of time that the roof canopy was open and closed could not reasonably be controlled or enforced by planning condition. However, even when the proposed canopy were in an open position, the additional height of the surrounding walls, fixed roof panels to either side of the structure and the fixed glazed panels and doors, would remain in situ and would continue to have the appearance of the enclosure of this space.
- 56 While the existing courtyard walls did not benefit from planning permission, they read as courtyard walls enclosing open space rather than as part of an extension. Overall it is considered that the proposals would cause harm to the openness of the Green Belt. The proposal would conflict with the purposes of the Green Belt in particular to assist in safeguarding the countryside from encroachment.

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- 57 No case for very special circumstances has been made in this case. This is considered further below, following the assessment of other impacts of the development.

Impact on designated heritage assets

- 58 The site lies within the Shoreham High Street Conservation Area which is a designated heritage asset. The Shoreham High Street and Church Street Conservation Area Appraisal acknowledges that both the building and the grounds of The Mount are of architectural and historic interest.
- 59 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 60 Policy SP1 of the Core Strategy seeks to ensure that the District's heritage assets and their settings, including listed buildings, conservation areas, historic buildings, landscapes and outstanding views will be protected and enhanced. ADMP Policy EN4 of the ADMP states 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.
- 61 The proposals have been reviewed by the Council's Conservation Officer who has raised no objection to the principle of an extension in terms of its impact on the designated Conservation Area. Concern has however been raised regarding the proposed materials and treatment of the roof structure which may appear incongruous in this historic setting.
- 62 The applicant has provided clarification of the intended materials. These include a black powder coated frame and a fabric roof with an outer finish of dark grey (anthracite). A sample has been provided of the outer fabric, demonstrating a modestly reflective finish which could still have the ability to draw undue attention to the fabric roof. Given the extensive area to be covered by this fabric, and its projection above the height of the surrounding walls, this would draw significant undue attention to the extension.
- 63 In conclusion the proposals, by reason of the contemporary and reflective materials, would fail to either preserve or enhance the character or appearance of the Conservation Area.
- 64 The NPPF requires that local planning authorities distinguish between 'substantial' and 'less than substantial' harm to a heritage asset. In this case the harm to the designated Conservation Area is considered to be less than substantial. Paragraph 134 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 65 In this case the benefits of extending the existing use (discussed further below) are not considered to outweigh the harm to the Conservation Area.

Impact of the proposal on the character and appearance of the area and the designated AONB

- 66 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. ADMP policy EN5 is relevant and states that proposals will be permitted where the form, scale materials and design would conserve and enhance the character of the landscape. It reiterates the NPPF in stating that AONBs and their settings will be given the highest status of protection.
- 67 The existing courtyard and area of proposed alterations are located to the north of the existing building. While not visible in views from Shoreham Village or Church Street, the proposed roof structure would be subject to visibility from local views within the estate and also from higher ground to the far west. In this case, the proposals, by effectively infilling open space to the north of the building, would fail to reinforce the distinctiveness of the AONB and its tranquillity. This would arise not just from the proposed physical structures but by the intensification of the use, which fails to conserve the tranquillity of the landscape. This is discussed further below.
- 68 The statutory tests applicable in AONBs, described above, are stricter than those for Conservation Areas, requiring that development both conserves and enhances the AONB. In this case the development fails to achieve compliance with this test and conflicts with policy EN5.

Impact on residential amenity

- 69 Policy EN2 of the ADMP relates to amenity protection. The policy states that proposals will be permitted where they would safeguard the amenities of existing and future occupants of nearby properties by ensuring the development does not result in, amongst other things, excessive noise, vibration, odour, air pollution, activity or vehicle movements.
- 70 The information submitted with the application does not clarify the likely increase in opening times, operating hours or increase in customer capacity. While the existing tasting facilities are not subject to any planning restrictions because they are ancillary to the existing use, the proposals have the potential to significantly intensify the existing use to a point where it may cause noise and disturbance to adjacent properties, for example, if it were operating in evenings or during unsociable hours.
- 71 Similarly, the increased use of the tasting facilities could reasonably result in an increase in customer vehicles using the existing single access track from Church Street. The existing access is narrow in its nature and immediately adjacent to habitable room windows in the side elevation of 2 The Bungalow. Insufficient information has been provided to assess whether the proposals could result in harm to the living conditions of this property as a result of increased vehicle movements.

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- 72 In the absence of this information a full assessment against policy EN2 cannot be undertaken.

Impact on highways and parking

- 73 The proposed increase in the scale and capacity of the wine tasting facilities could increase the number of visitors attending the premises, both at any one time and across the year cumulatively.
- 74 The site currently has some parking facilities to the south of the main building and also immediately adjacent to the main building. The capacity of these existing areas of parking, and their ability to accommodate additional parking pressure arising from the extension of the wine tasting facilities, has not been clarified. It is therefore not possible to establish whether the proposals would be likely to increase demand for on street parking outside the site and within Shoreham Village.

Economic Benefits

- 75 The proposals would provide an extension to an existing business and this is supported by policy EMP5 of the ADMP. The benefits of extending an existing business are discussed within the comments provided by the Council's Economic Development team and the extension of a rural business would facilitate the diversification of the business and creation of a more sustainable operation. These are benefits of the proposals which should be weighed against the harms created.
- 76 It should be noted that while the benefits of the extension of the business are recognised, the application is not accompanied by a business plan or evidence to suggest that the sustainability or viability of the business is reliant on the proposed extension and could not be achieved using the existing bar and wine tasting room.

Assessment of any very special circumstances that may apply for this Green Belt proposal:

- 77 Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by any other considerations.
- 78 No very special circumstances have been put forward by the applicant. However possible very special circumstances in this case could be summarised as:
- the economic benefits of the expansion of the existing wine tasting use.
- 79 The harms in this case, identified by the above assessment are as follows:
- the harm in principle from inappropriate development in the Green Belt, which must be given significant weight;

- the harm to the openness of the Green Belt arising from the increase in height of the courtyard walls and permanent and temporary fixtures associated with the proposed canopy;
- harm to character and appearance of the Shoreham High Street Conservation Area arising from the proposed materials and finishes;
- potential harm to the amenities of nearby residential properties and to on street parking pressure.

80 In this case, in light of the limited information submitted with the application regarding its economic benefits and impact on the longevity of the existing business and agricultural use, the economic benefits of the proposed development are afforded moderate weight.

81 In reviewing the extent of harm and the potential very special circumstances, it is concluded that the harms created by the proposals would not, in this case, clearly outweigh the harm to the Green Belt and other harms identified.

Other Issues

Implications on the use

82 The existing building incorporates some wine tasting facilities at the ground floor level adjacent to the northern courtyard. Informal correspondence with the planning department in the past has advised the applicant that some wine produce and tasting facilities would be likely to be considered ancillary to the main agricultural use of the land on the basis that it constitutes a small part of the existing use. The position has not been confirmed by way of a lawful development certificate.

83 Therefore the existing wine tasting facilities do not benefit from their own planning permission or associated planning conditions.

84 The development in this case would facilitate the extension of the existing wine tasting facilities to allow increased usage throughout the year. The size of the courtyard area to be covered would also substantially increase the capacity of the tasting facilities at any one time.

85 The application is accompanied by a Planning Statement. However this does not clarify the potential increase in capacity created by the proposals, or the likely times and hours of the extended use of the tasting facilities. It does however state that full time staff associated with these promotional activities would increase from 1.5 full time employees to 4.5 full time staff equivalents.

86 In light of the scale of the proposed extension, and its potential capacity to accommodate significantly more customers than existing at any time of the year, Officers are not able to establish whether the proposed use would remain ancillary to the existing agricultural use. To the contrary it appears that the resultant use has the ability to significantly intensify the wine tasting facilities to the point that it may require planning permission in its own right, with planning conditions as necessary.

Conclusion

- 87 The proposed development would represent inappropriate development in the Green Belt both in principle and as it would harm the openness of the Green Belt. This is not clearly outweighed by other benefits in this case. It would cause fail to preserve the character and appearance of the Conservation Area and would not conserve and enhance the AONB. The proposals lack sufficient information to assess impact on amenity and on local parking. As such the proposals conflict with development plan policy and are recommended for refusal.

Background Papers

Site and Block Plan

Contact Officer(s): Claire Shearing Extension: 7367

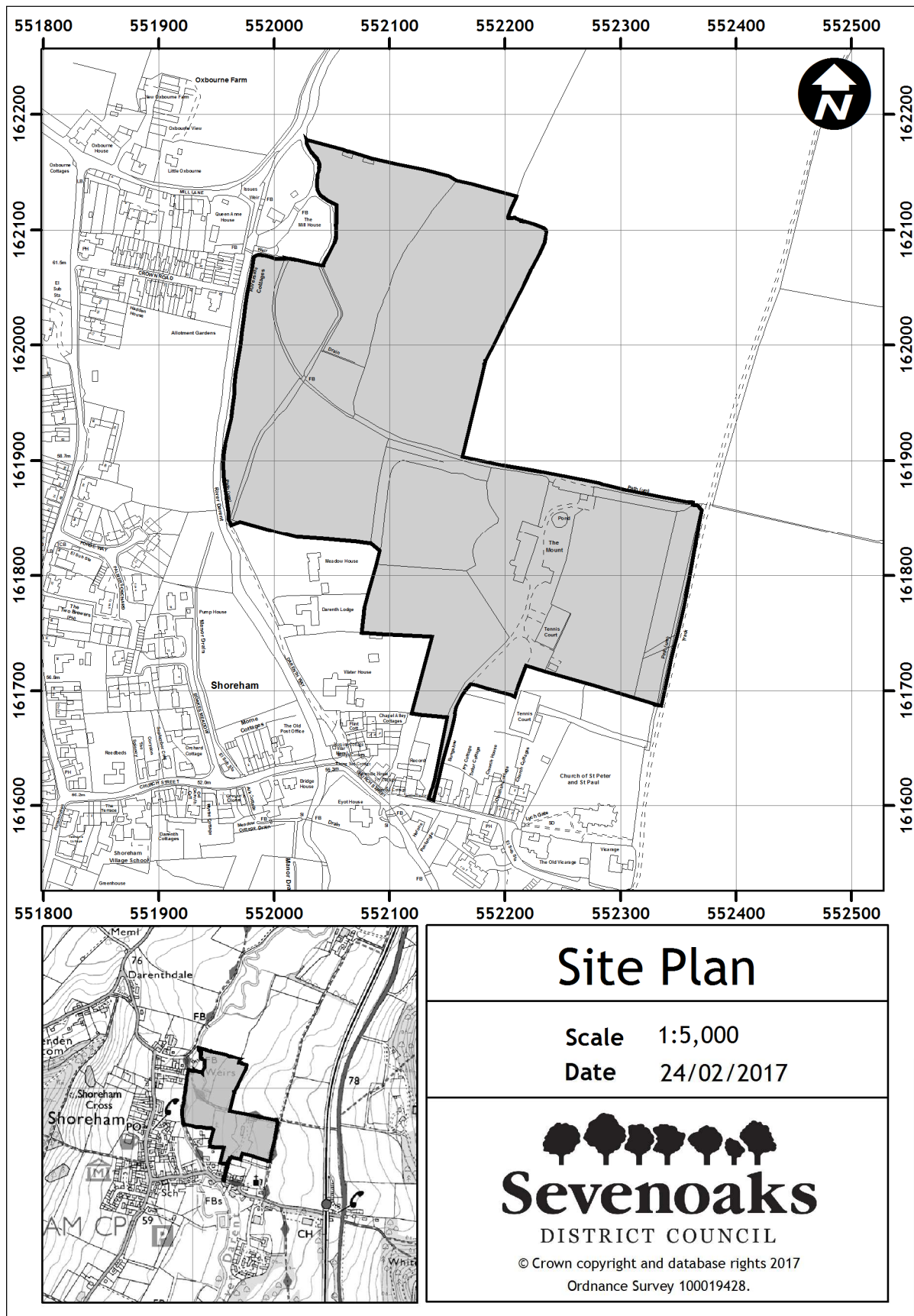
Richard Morris
Chief Planning Officer

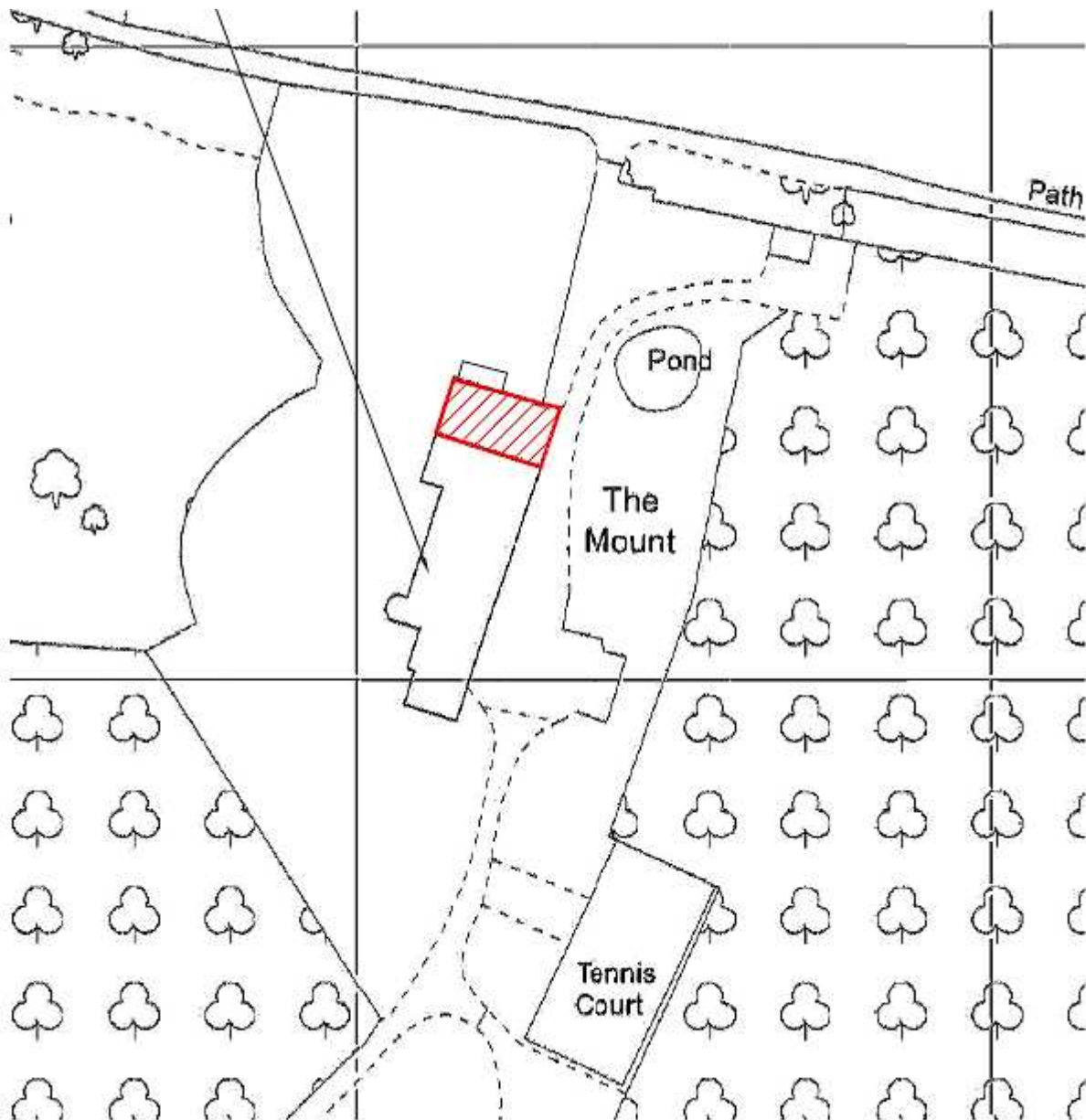
Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O130NRBK12900>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O130NRBK12900>





4.4 - SE/16/01655/FUL Date expired 16 September 2016

PROPOSAL: Demolition of existing office building Block E and proposed development of 23 new build residential apartments and offices, with associated undercroft and surface parking, cycle park facilities, bin storage & landscaping and access gates.

LOCATION: Unit E, Ryedale Court, Riverhead TN13 2DN

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

This application is reported to the Development Control Committee at the request of Councillors Bayley and Brown who have concerns regarding the level of parking provision proposed and the potential impact on the residential amenity of adjacent residential units.

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: BMAD 0036/A3/0.002 Rev.B, BMAD 0036/A3/0.003 Rev.B, BMAD 0036/A3/0.004 Rev.A, BMAD 0036/A3/0.005 Rev.A, BMAD 0036/A3/0.006 Rev.A, BMAD 0036/A3/0.010 Rev.A, BMAD 0036/A3/0.011 Rev.A, BMAD 0036/A3/0.101 Rev.B, BMAD 0036/A2/1.001, BMAD 0036/A2/1.002 Rev.B, BMAD 0036/A3/1.003 Rev.A, BMAD 0036/A1/1.103 and BMAD 0036/A1/1.104.

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

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

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

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

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

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

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

6) No development shall take place on the land until a Phase II (intrusive investigation) is undertaken and based on the findings of that investigation any necessary remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. On completion of all remedial works and soil importation should it be necessary, the applicant shall submit a validation report compiled by a suitably qualified environmental specialist. The validation report shall be agreed in writing by the Local Planning Authority prior to habitation of any dwelling.

To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

7) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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

To protect the underlying groundwater from the risk of pollution and in accordance

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

9) The vehicle parking spaces and cycle park shed shown on the approved plans drawing numbers BMAD 0036/A2/1.002 Rev.B and BMAD 0036/A3/0.101 Rev.B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking spaces and cycle park shed.

To ensure a permanent retention of vehicle parking for the property as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

10) No development shall be carried out on the land until a demolition and construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall take account of the provision of the following on site for the duration of demolition and construction works:- Wheel washing facilities;- Vehicle loading/unloading and turning facilities; and- Parking facilities for site personnel and visitors. The development shall be carried out using the approved management plan.

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

11) No development shall be carried out on the land until full details of the external glazing to be installed and of any mechanical ventilation and heat recovery to demonstrate that suitable internal noise levels would be met as recommended in the Hoare Lea acoustic planning report of the 04-05-2016.

To safeguard the residential amenity of the future occupiers of the development and the existing and future occupiers of nearby properties as supported by policy EN2 of the Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

12) The first and second floor windows serving the circulation areas and stairwell in the western elevation of the building and serving the kitchen areas of Apartments 6, 7, 11 and 12 of the building shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

13) No development shall be carried out on the land until details of 1.5m high privacy screens to be attached to the outer edge of the terraces and balconies along the western and southern elevations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.

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To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

14) No development shall be carried out on the land until details of the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations within the building have been submitted to and approved in writing by the Local Planning Authority. This shall provide sufficient capacity, including duct sizing to cater for sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

To provide appropriate infrastructure for the development in accordance with policy EN1 of the 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.

15) The development shall achieve a BREEAM minimum rating of "Very Good". Evidence shall be provided to the Local Authority -i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM Design Certificate minimum rating 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 rating of "Very Good" or alternative as agreed in writing by the Local Planning Authority. The achievement of a BREEAM "Very Good" rating shall include at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

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

16) No development shall take place until a scheme for the provision of at least one communal electrical charging point 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 prior to occupation of the approved development.

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

17) No development shall be carried out on the land until details of external lighting for the approved building have been submitted to and approved in writing

by the Local Planning Authority. The lighting shall be designed to minimise light towards the wooded embankment and the River Darent. The development shall be carried out in accordance with the approved details.

To ensure the long term retention of bats within the area as supported by policy SP11 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.

18) No development shall be carried out on the land until details of bat bricks, tiles and/or tubes to be installed within the northern and eastern elevations of the approved building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure the long term retention of bats within the area as supported by policy SP11 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) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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

Note to Applicant

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

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

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

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.
- 3) Was updated of small scale issues which arose during the process of the application and was given time to address it.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing detached office building, and the erection of a mixed use detached building comprising an office space slightly larger than that it would replace, 23 residential units, undercroft parking, surface parking, cycle park facilities, bin storage and landscaping.
- 2 Accommodation would be provided over four floors, with the office space being split over the first two floors together with residential units and the upper two floors being made up solely of residential units.
- 3 The fourth floor of the building would mainly be set back from the principle elevations of the building and the appearance of the building would be a mixture of traditional and modern features. The building would be sited in a similar location to the existing building, towards the northern boundary of the site.
- 4 The building would be serviced by a vehicular access from London Road and parking for a total of 40 vehicles. Levels of the site would remain unaltered and landscaping works are also proposed to be carried out in across the site.

Description of Site

- 5 The application site comprises a two storey detached building located to the northern boundary of the site, surrounded by hard standing provided for parking. The site is located on the east side of London Road, opposite the roundabout that serves the Tesco superstore in Riverhead. The site is also located behind Squiggles Nursery and adjacent to an existing residential development, Ryedale Court. The site is reasonably level.

Constraints

- 6 The site lies within the built urban confines of Sevenoaks, Source Protection Zone 2, an Area of Archaeological Potential, forms part of an allocated employment site and falls partly within a Biodiversity Opportunity Area. The site also falls within Flood Zone 2 and partly within Flood Zone 3.

Policies

Sevenoaks District Core Strategy

- 7 Policies - LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP8 and SP11

Sevenoaks District Allocations and Development Management Plan (ADMP)

- 8 Policies - SC1, EN1, EN2, EN4, EMP1, T2 and T3

Other

- 9 Affordable Housing Supplementary Planning Document (SPD)
10 The National Planning Policy Framework (NPPF)
11 The National Planning Practice Guidance (NPPG)

Planning History

- 12 SE/13/03462 Temporary change of use from Offices (Class B1) to a non-residential institution (Class D1) for use as a secondary school for 1 academic year, until 31st July 2015 and associated minor works to include the erection of a two metre high galvanised steel perimeter fence and gates. Granted 03.03.14

SE/14/02375 Variation of condition 2 of application reference 13/03462/FUL for Temporary change of use from Offices (Class B1) to a non-residential institution (Class D1) for use as a secondary school for 1 academic year, until 31st July 2015 and associated minor works to include the erection of a two metre high galvanised steel perimeter fence and gates. In order to change the wording to; The maximum number of pupils on the school roll shall at no time exceed 250. Granted 17.09.14

SE/15/01248 Prior notification for a change of use from use class B1(a) (offices) to use class C3 (dwellinghouses). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval Not Required 29.05.15

SE/15/01999 This application is to gain approval for material changes only to the existing building to include the addition of zinc clad feature box windows to the front (north) elevation, painted balconies to the rear (south) elevation, replacement windows and doors throughout the project, the addition of a bin storage and bike storage area and the addition of lighting columns to the parking areas and lighting bollards to the access footpath to the building. Granted 14.09.15

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Consultations

Riverhead Parish Council - 06.07.16

13 'Objection

1. It is an area of Employment Allocation (EMPI)
2. Height of building overbearing over other properties by 2 floors
3. It is above the line of the railway embankment
4. Within a few metres of River Darent
5. Inadequate parking considering the development of the whole area
6. Inadequate landscaping'

Environment Agency - 27.10.16 (Summary)

- 14 Following the consideration of further information provided by the applicant relating to flood mitigation the Environment Agency raised no objection to the proposed scheme subject to the inclusion of a number of conditions on any approval of planning permission (see the recommended conditions 6 - 8 above). These conditions relate to ground water, contaminated land, drainage and groundworks to create the foundations of the proposed building.

County Highways Engineer - 12.07.16

- 15 'The change of use from office development to residential is likely to result in a reduction of traffic movements to and from the site. The car parking provision for both the residential element and the offices are considered adequate and meet the maximum parking standards specified in IG3 for residential development and SPG4 for B1 Use. Secure cycle parking is proposed at the appropriate rate.
- 16 I therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-
1. Provision and permanent retention of the vehicle and cycle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 2. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 3. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 4. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of

highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.’ (See the recommended conditions 9 and 10, and informative 2 above.)

Environmental Health Officer - 12.08.16

- 17 ‘Ground Contamination - The applicant should undertake a Phase II (intrusive investigation) and based on the findings of that investigation submit a remediation scheme to be agreed by the district council. On completion of all remedial works and soil importation should it be necessary, the applicant shall submit a validation report compiled by a suitably qualified environmental specialist. The validation report to be agreed by the district council prior to habitation of any dwelling.
- 18 Noise - The noise assessment is adequate and arrives at conclusions on the attenuation required from the construction. Therefore the applicant should submit details of the glazing, construction and any mechanical ventilation and heat recovery to demonstrate that suitable internal noise levels will be met as recommended in the Hoare Lea acoustic planning report of the 04-05-2016.’ (See the recommended conditions 6 and 11 above.)

Recycling & Commercial Manager - 30.08.16 (Summary)

- 19 No objection raised to the provision of bin storage and refuse vehicle access.

Natural England - 29.06.16 (Summary)

- 20 No objection has been raised.

County Biodiversity Officer - 01.08.16 (Summary)

- 21 No objection raised with recommendations provided relating to lighting and bat roosting features (see the recommended conditions 17 and 18 above).

County Development Contributions Officer - 21.07.16 (Summary)

- 22 Contributions to primary and secondary school provision, community learning, youth service, libraries and social care are requested through the provision of the Community Infrastructure Levy (CIL) payment as is the provision of Superfast Fibre Optic Broadband (see the recommended condition 14 above).

Representations

- 23 No representations have been received on the application.

Chief Planning Officer's Appraisal

24 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Parking provision and highways safety;
- Impact on the Flood Zone;
- Impact on biodiversity;
- Affordable housing;
- BREEAM;
- The Community Infrastructure Levy (CIL): and
- Sustainable development.

25 Of particular relevant to this application is the following guidance:

Presumption in favour of sustainable development:

26 Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

27 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Principle of the Development

28 The site falls within the built confines of Sevenoaks and so policies LO1 and LO2 of the Core Strategy apply. These policies advise that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area. They also seek to protect the setting of the urban area and the distinctive character of the local environment.

29 In my view, the site is suitable for some form of development given that which exists around the site and given that it is sustainably located close to the services offered within Riverhead and Sevenoaks.

30 An assessment as to whether the proposed building would protect the setting of the urban area and the distinctive character of the local environment is carried out in detail below but I am of the view that this would be the case. The proposal therefore complies with policies LO1 and LO2 in these respects.

- 31 Key to the assessment of the principle of the development is also the fact that the site is allocated for an employment use in policy EMP1 of the ADMP. This states that in accordance with Policy SP8 of the Core Strategy the following existing employment sites, as defined in Appendix 4, will be retained, intensified and regenerated for B1 - B8 uses. The provision of sites for small and medium size businesses and "start-up" facilities will be supported.
- 32 Policy SP8 of the Core Strategy states that the sustainable development of the District's economy will be supported by a number of factors including the retention, intensification and regeneration of existing business areas primarily in Sevenoaks.
- 33 The proposed development (360 square metres of B1 use) comprises the provision of a slightly larger office site compared with the existing building (and increase of 2.8m²). It is therefore the case that the proposal would accord with these policies through the retention and regeneration of the existing B1 use.
- 34 I would argue that the introduction of an element of residential development to the site would complement the retained and regenerated office use of the site as well as the existing residential development that is found adjacent to the site and within the locality.
- 35 In conclusion, I am satisfied that the principle of the development can be agreed subject to the development complying with all other relevant planning policy.

Impact on the Character and Appearance of the Area

- 36 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)
- 37 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.
- 38 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.
- 39 The area surrounding the site is characterised by a variety of land uses and a mix of mainly large scale buildings of varying appearances. These include large commercial and residential buildings, some of which have a contemporary appearance and some with a more traditional appearance. The commercial buildings include retail units, car showrooms, a children's nursery, office buildings as well as residential development.
- 40 Ryedale Court directly to the south of site is one such residential development comprising a block of flats with a modern appearance. These flats are provided over two floors. A sheltered housing development, Hamlyn Court, lies to the north of the site in a similar situation to that of the proposed building in that it is a large building providing accommodation over three floors and is set well back from London Road. On the opposite side of the roundabout that provides access

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to the site from London Road is Aisher Way, which is a large residential estate and the Tesco superstore.

- 41 The proposed building would be mainly four storeys in height, with the fourth floor generally set back from the principle elevations of the building. This set back would provide external terraces for the upper floor residential units and the fourth floor would have a shallow pitch roof over it. The overall height of the building (14.4m) would be similar to that of the maximum roof height of the Hamlyn Court development (14.5m). As with the Hamlyn Court building, the proposed development would be set well back from London Road and would be seen against the backdrop of the railway embankment to the rear of the site. The building would have a height 3.5-4m higher than the embankment.
- 42 In addition, the building would be partially screened by the buildings that surround it to the north, west and south from views from London Road and Aisher Way, which are the main public vantage points of the site.
- 43 The brown facing brick to the first three floors would reflect the more traditional appearance of some of the existing development within the area. The zinc cladding to the upper floor, the zinc standing seam roof and the aluminium framed windows would provide a more modern contrast to the more traditional element of the building. This more modern detailing would reflect the appearance of the more modern existing buildings within the locality.
- 44 The proposed building would not occupy the entire site. The building would be set back from the frontage of the plot and would retain a good gap to the railway embankment, the nursery to the west and Hamlyn Court to the north. Given the proposed spacing retained I would not conclude that the proposal comprises over development of the site, nor would it appear cramped, dominant or overbearing within the street scene.
- 45 Although some hardstanding would continue to be provided on the site, soft landscaping would be increased aiding to soften the appearance of the building within the street scene. In addition, the building would be built out on the existing levels meaning the development would respect the topography of the area.
- 46 Overall, I am therefore of the view that the development would preserve the character and appearance of the area in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

Impact on Residential Amenity

- 47 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.
- 48 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.

- 49 Policy EN7 of the ADMP states that proposals should not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties, and should not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 50 The properties potentially most affected by the development are those adjacent to the site that includes up Ryedale Court to the south, Squiggles Nursery to the west and the commercial properties and Hamlyn Court to the north. All other nearby properties would be sufficient distance away not to be significantly impacted upon.
- 51 The Council's Environmental Health Officer has considered the proposal in terms of noise levels and contamination. In both cases the Environmental Health Officer is satisfied that the proposal would not result in a detrimental of noise to future occupants of the development, neither would it create a harmful environment to future occupiers in terms of contaminants that may exist on the plot. This is subject to conditions that have been recommended above dealing with the matters of contamination and noise mitigation from nearby road traffic and passing trains (conditions 6 and 11).
- 52 I am also satisfied that the proposed mixed use of the site would not create noise levels, including activities and vehicle movements associated with the proposed use, that would cause a significant impact on the occupiers of the nearby properties.
- 53 In addition, the introduction of a mixed use of B1 office and residential to the site would not cause a harmful increase to odours or air pollution in the area.
- 54 The various windows and balconies of the proposed building would be a minimum of 14.4m from the residential development of Ryedale Court to the south across a road, 4.8m from the rear amenity area of the nursery to the west, 10m from the commercial building to the north and almost 30m from Hamlyn Court to the north. To mitigate the harm to the occupiers of the residential properties to the south and the nursery to the west appropriate privacy screens can be erected along the edge of balconies and obscure glazing can be installed in windows to prevent overlooking and a loss of privacy. These requirements are set out in conditions 12 and 13 above. The relationships with the properties to the north, i.e. Hamlyn Court, are such that no mitigation is required to prevent overlooking and a loss of privacy.
- 55 Outlook from those properties to the north and west would be preserved, due to the proposed relationships and the building would not appear dominant from within these buildings. I am also of the opinion that outlook onto the development from the units within Ryedale Court would not be significantly impacted upon and the new building would not appear dominant to the occupiers of these adjacent dwellings.
- 56 The proposed building would pass the 45 degree angle test when applied to each of the neighbouring properties. A small area of the amenity area to the nursery (non-residential use) would be affected but this area is directly adjacent to the boundary between the properties leaving the majority of the amenity area

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unaffected. It is therefore the case that the proposal would not result in a detrimental loss of daylight to surrounding properties.

- 57 The building would lie to the north of the residential units within Ryedale Court, to the east of the nursery and the south of the commercial units and Hamlyn Court. These relationships are such that the proposal would not cause a significant loss of sunlight to any of the neighbouring properties.
- 58 Finally, the proposal would provide adequate residential amenities for future occupiers of the development.
- 59 The proposal would therefore safeguard the amenities of existing and future occupants of nearby properties, and the future occupiers of the development, which complies with the NPPF and policies EN2 and EN7 of the ADMP.

Parking Provision and Highways Safety

- 60 The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para.32).
- 61 Policy T2 of the ADMP states that vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 (IGN3) to the Kent Design Guide (or any subsequent replacement).
- 62 Policy T2 also states that vehicle parking provision, including cycle parking, in new non-residential developments should be made in accordance with advice by Kent County Council as Local Highway Authority or until such time as non-residential standards are adopted.
- 63 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.
- 64 Policy T3 of the ADMP states that in non-residential developments where it is not appropriate to provide electric vehicle charging points, new development should be designed to include the electrical infrastructure in order to minimise the cost and disturbance of retrofitting at a later date.
- 65 Appendix 2 of the ADMP sets out residential parking standards, which reflect Interim Guidance Note 3 to the Kent Design Guide. For a residential development of one and two bedroom flats in this location these parking standards require a minimum of 1 parking space per residential unit. This would equate to a minimum of 23 spaces.
- 66 No non-residential standards are currently adopted. However, the County Highways Engineers refer to Supplementary Planning Guidance SPG4 of the Kent and Medway Structure Plan. For B1 office development of less than 500m² (the floor area of the B1 office space is 360m²) SPG4 requires a maximum 1 parking space per 20m². This would equate to a maximum of 18 spaces.
- 67 The development would therefore require a total of 41 parking spaces. In this instance 38 spaces are proposed to be provided. It is therefore necessary to

consider the potential impacts on the highways network of three vehicles being parked somewhere off-site. Any potential impacts would be minimal for the reason that parking along London Road and Aisher Way is controlled by yellow lines. Since parking is not permitted here the impact of three vehicles parking off-site would not have a severe impact on the local highways network.

- 68 The County Highways Engineer has confirmed that the car parking provision for both the residential element and the offices are adequate and meet the current maximum parking standards and meet the maximum parking standards specified in IGN3 for residential development and SPG4 for B1 Use. Secure cycle parking is also proposed at the appropriate rate.
- 69 These comments are subject to a number of conditions, which have been recommended above (conditions 9 and 10).
- 70 The Council's Environmental and Operational Services Team has confirmed that the arrangements for refuse collection are wholly acceptable.
- 71 Access to the site would continue to be along the access road that serves the site and this arrangement remains wholly acceptable in terms of highways safety.
- 72 Within the development it would be possible for an electric vehicle charging point or points to be provided and as such condition 16 above has been recommended to ensure that this provision is made.
- 73 Overall, it is therefore the case that the development would provide sufficient parking and would preserve highways safety. This complies with policies T2, T3 and EN1 of the ADMP.

Impact on the Flood Zone

- 74 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 75 The proposal includes the provision of power and utilities above lower ground floor level and the service area would be accessed at first floor and above, so will no longer be at risk from flooding. It is also the case that the proposed mitigation demonstrates there would be no displacement of floodwater onto adjacent property and that flood risk to the new building would be minimised to an acceptable level.
- 76 As noted above, following on from the consideration of further information provided by the applicant relating to flood mitigation the Environment Agency have raised no objection to the proposed scheme subject to the inclusion of a number of conditions on any approval of planning permission (see the recommended conditions 6 - 8 above). These conditions relate to ground water, contaminated land, drainage and groundworks to create the foundations of the proposed building.
- 77 It is therefore the case that the proposed development within the flood zone would be safe without increasing flood risk elsewhere in accordance with the NPPF.

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Impact on Biodiversity

- 78 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 79 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 80 The County Biodiversity Officer has raised no objection to the scheme subject to the inclusion of conditions on any approval requiring lighting towards the wooded embankment and the River Darent being kept to a minimum and enhancements be incorporated into the scheme (see conditions 17 and 18 recommended above).
- 81 With these conditions included the proposal would comply with the NPPF and policy SP11 of the Core Strategy.

Affordable Housing

- 82 Policy SP3 of the Core Strategy states that in residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable. The policy goes on to explain that in exceptional circumstances where it is demonstrated to the Council's satisfaction through an independent assessment of viability that on-site provision in accordance with the policy would not be viable, a reduced level of provision may be accepted or, failing that, a financial contribution towards provision off-site will be required.
- 83 The development includes the provision of 23 residential units and so as required by policy SP3, 40% of these units, i.e. 10 units, should be affordable. However, the applicant has presented a viability assessment of the proposed development. This assessment takes account of income from the sale, and alternatively the rental, of the residential units and the rental of the office space. The assessment also takes account of the expenditure of the acquisition of the site, build costs, CIL contributions, sales and marketing, and the reasonable profit attached to the development.
- 84 The assessment concludes that in assuming no affordable housing provision, whether on site or off site, the development generates a profit of 10% of the gross development value (GDV), and a deficit of about £700,000 assuming a profit of 20% of GDV. Whilst 20% of GDV is at the upper end of the scale in terms of expected profit, it is clear to see that a more reasonable profit of 15% would still have the effect of producing a deficit.
- 85 This assessment has been independently tested by an external viability consultant on behalf of the Council who has considered different scenarios in line with the Council's Affordable Housing SPD. Unfortunately the independent testing confirms the findings of the viability assessment in that any provision of affordable housing, be it on site provision or an off site contribution, would render the development unviable.
- 86 It is therefore the case that the Council would not seek an affordable housing provision in this instance.

Community Infrastructure Levy (CIL)

- 87 This proposal is CIL liable and there is no application for an exemption.
- 88 There appears to be a discrepancy between within the applicant's submission between the CIL liable on their CIL questions form and the information submitted as part of viability assessment.
- 89 However, based upon a calculation of the new residential floor space a contribution of £278,822.25 would be required if the development was granted planning approval.
- 90 The County Development Contributions Officer has indicated that the development would have an impact on County services which cannot be accommodated within existing capacity. However, as they also acknowledge, these are contributions that can no longer be sought through Section 106 contributions but must instead be sought through CIL.

BREEAM

- 91 Policy SP2 of the Core Strategy states that all new commercial development will be required to achieve BREEAM "Very Good" standards. Achievement of BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
- 92 This is not a matter that has been considered by the applicant. However, further details can be requested by way of condition on any approval of planning permission (see condition 15 recommended above).
- 93 In relation to the residential element of the scheme, policy SP2 of the Core Strategy requires that new homes achieve at least Level 3 of the Code for Sustainable Homes. Applicants must submit evidence which demonstrates how the requirements have been met or which demonstrate that compliance is not technically or financially feasible.
- 94 However, two material considerations are a recent ministerial statement outlining the fact that local authorities will no longer be able to require energy efficiency standards on new dwellings and the fact that the Code for Sustainable Homes no longer exists making it unreasonable to impose related conditions. Therefore, while the proposal has been considered in relation to the development plan, material considerations dictate that in this instance any condition requiring compliance with the Code for Sustainable Homes for the residential element of the scheme should not be imposed.

Sustainable development

- 95 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

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- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

96 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

As noted above the development wholly accords 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

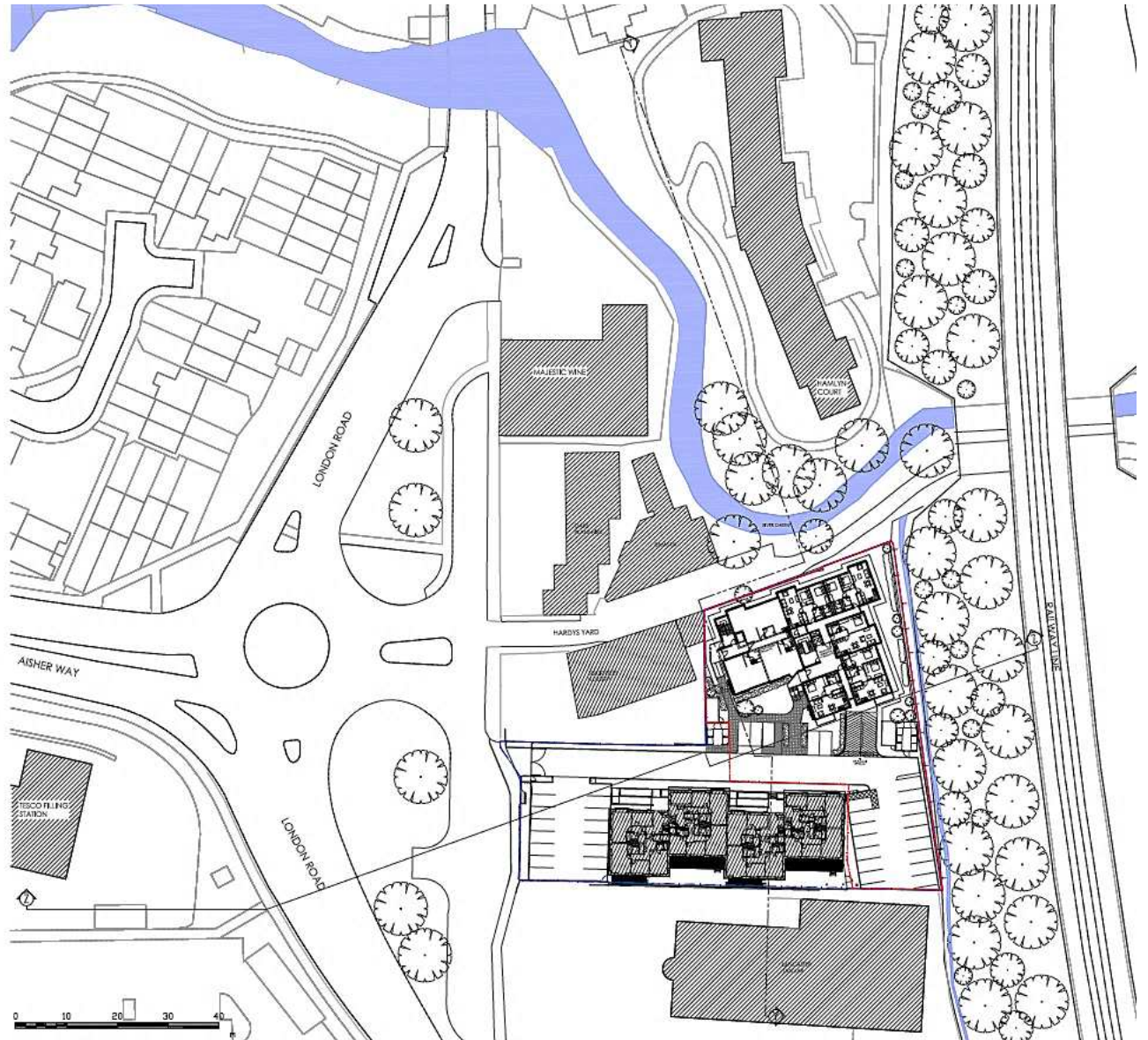
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=085J9OBKK4N00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=085J9OBKK4N00>



Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 16 March 2017

Item 4.1 SE/16/03117/FUL 19 Mount Close, Sevenoaks TN13 3EG

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEW4J6BKMOA00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OEW4J6BKMOA00>

Item 4.2 SE/16/03359/FUL 19 Mount Harry Road, Sevenoaks TN13 3JJ

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OG0XZ7BKJPR00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG0XZ7BKJPR00>

Item 4.3 SE/16/03811/FUL The Mount, Church Street, Shoreham TN14 7SD

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI30NRBKI2900>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI30NRBKI2900>

Item 4.4 SE/16/01655/FUL Unit E, Ryedale Court, Riverhead TN13 2DN

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O85J9OBKK4N00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O85J9OBKK4N00>

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