

25 January 2018 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks  
Despatched: 17.01.18



# Development Control Committee

## Membership:

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

## Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	<b>Pages</b>
Apologies for Absence	
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 14 December 2017, as a correct record.	(Pages 1 - 28)
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.	
3. <b>Declarations of Lobbying</b>	
4. <b>Planning Applications - Chief Planning Officer's Report</b>	
4.1 <b>17/02386/MMA - Ragstones, 1 The Vine, Sevenoaks, Kent TN13 3SY</b>  Minor material amendment to application SE/15/02253/FUL for the demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking to show modification of the north roof slope at third floor level to create an inverted terrace, frame less balustrade.	(Pages 29 - 38)
4.2 <b>17/03227/HOUSE - 9 Wyndham Avenue, Leigh, Kent TN11 8RB</b>  Extension of existing patio.	(Pages 39 - 48)
4.3 <b>17/03306/HOUSE - 12 Orchard Road, Otford, KENT TN14 5LG</b>  Erection of a two storey side, single storey front & rear extensions. Landscaping works.	(Pages 49 - 56)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 22 January 2018.

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.

#### 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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 14 December 2017 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Barnes, Clark, Coleman, Edwards-Winsor, Gaywood, Hogg, Horwood, Mrs. Hunter, Layland, Reay and Raikes

Apologies for absence were received from Cllrs. Bosley, Kitchener, Parkin and Purves

Cllrs. Grint, Piper and Searles were also present.

56. Minutes

Cllr. Clark commented that with regard to Minute 54 in the paragraph detailing the Committee's concerns about the proposal, he had commented that he was concerned that the proposed market day bus service would not be effective because it merely duplicated existing bus services and served few, if any, areas of the town which did not already have bus routes, and he thought this ought to be mentioned as a separate concern to back up the third ground for refusal.

Resolved: That the minutes of the Development Control Committee held on 16 November 2017 be approved and signed by the Chairman as a correct record, subject to the insertion of the following words at the end of the second paragraph on page 54:

"A Member was concerned that the proposed market day bus service only duplicated existing services and did not reach new areas."

57. Declarations of Interest or Predetermination

Councillor Raikes declared for Minute 59 - 17/03105/CONVAR - Sevenoaks Rugby Football Club, Plymouth Drive, Sevenoaks, Kent TN13 3RP that he had in interest as Member of Sevenoaks Town Council, who owned the land but that he would not vote on the item.

Councillors Ball, Barnes, Hogg and Horwood declared for Minute 60 - 17/01628/FUL - 11 - 13 High Street, Swanley, Kent BR8 8AE that they had previously considered the matter when it was discussed by Swanley Town Council but remained open minded.

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Councillor Layland declared for Minute 61 - 17/01690/FUL - Abbeyfield, Stangrove Lodge, Manor House Gardens Edenbridge, Kent TN8 5EG that he was the local ward Member but would remain open minded.

Councillor Williamson declared for Minute 62 - 17/02363/FUL - Warren Court Farm, Knockholt Road, Halstead, Kent TN14 7ER that he was the local ward Member but would remain open minded.

Councillor Horwood further declared that that he was now employed by UK Power Networks but he did not feel that this was a conflict with any of the items considered.

### 58. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 61 - 17/01690/FUL - Abbeyfield, Stangrove Lodge, Manor House Gardens Edenbridge, Kent TN8 5EG and Minute 62 - 17/02363/FUL - Warren Court Farm, Knockholt Road, Halstead, Kent TN14 7ER.

### Unreserved Planning Applications

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

### 59. 17/03105/CONVAR - Sevenoaks Rugby Football Club, Plymouth Drive, Sevenoaks, Kent TN13 3RP

The proposal sought a variation to condition 3 of 14/02458/FUL for levelling and extension of the existing reinforced grass track to provide overspill car parking; with amendment to allow use of the overspill car parking to accommodate displaced season ticket holders during the development of the multi storey car park, between 1st January 2018 and 30th June 2019, Monday to Friday 6am to 6.30pm. The application had been referred to Development Control Committee as the District Council was the applicant for the submitted scheme.

Members' attention was brought to the main agenda papers and the amendments in the late observation sheet.

Resolved: That the additional car park hereby permitted shall only be used

- 1) at times when sports events are taking place on the playing field (as shown within the blue line on the site location plan submitted with the application); or
- 2) between the hours of 0600 and 1830, Monday to Friday, between 1 January 2018 and 30 June 2019, by holders of season tickets.

Reason: To restrict the function and use of the car park for purposes connected to outdoor sport and the temporary use as an overspill car park to maintain the functioning and openness of the green belt, in accordance with the National Planning Policy Framework.

60. 17/01628/FUL - 11 - 13 High Street, Swanley, Kent BR8 8AE

The proposal sought planning permission for: proposed demolition of existing building; erection of new three storey buildings to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space; and provision of rear undercroft car/cycle and motorcycle parking. The application had been referred to Development Control Committee by Councillors Clare Barnes and John Barnes to consider the highways and parking related impacts of the development in accordance with policy T2 of the Allocations and Development Management Plan (2015).

Members' attention was brought to the main agenda papers.

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

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SLP.01, S.02, PL.01/D; 02/B; 03/B; 04/C; 05/A; 11; 12/B; 21/C; 22/C.

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

- 3) No development shall be carried out on the land until -
  - a) Intrusive investigations have taken place to establish the existence of soil contamination and any other potential contamination and / or landfill gas in accordance with the recommendations within the hereby approved Stage 1: Desktop Study and Risk Assessment Report (by Your Environment, ref. YE3108 Revision 1, May 2017); and
  - b) The investigation methodology together with any proposed remedial measures and a timetable for the works have been submitted to and approved in writing by the local planning authority. Site investigation and remediation design shall be undertaken by an appropriately qualified environmental specialist. They will need to demonstrate and state that the site is capable of being remediated to make it suitable

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for its intended use. For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the person(s) who has designed and specified the remediation works, unless otherwise agreed in writing by the local planning authority. No development shall be carried out otherwise than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

- 4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met. No development shall take place other than in accordance with the approved details.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

- 5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

- 6) No development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. Discharge rates shall be restricted to 50% of the peak brownfield discharge rate unless otherwise agreed in consultation with the Lead Local Flood Authority and Thames Water. No development shall take place other than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Details shall include:

- i) a timetable for its implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 8) No development shall take place until a noise assessment and characterisation for the potential noise impact on the residential units, together with details of necessary mitigation measures have been submitted to and approved in writing by the local planning authority. The noise assessment shall be carried out in accordance with the requirements of BS4142:2014. The mitigation measures shall include details of acoustic ventilation and glazing required to protect the

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approved bedrooms, living rooms and balconies from noise and vibration in accordance with the requirements of BS8233:2014 and the strategy set out in the Environmental Noise Assessment by Idom Merebrook (reference ENA-19502-16-101 REV A, dated June 2017). The approved protection measures shall be completed in accordance with the approved details prior to the first occupation of the relevant residential unit and maintained 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.

In order to provide an acceptable standard of residential accommodation in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 9) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details.

The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

- 10) No development shall be carried out on the land until a demolition and construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include:
  - a. Details of the proposed working hours
  - b. Details of locations of vehicle parking for site operatives and visitors
  - c. Details of an area for the storage of plant and materials
  - d. A site waste management plan.
  - e. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
  - f. Details of the measures to mitigate the noise and vibration from construction
  - g. Details of a surface water drainage scheme for the temporary drainage of the Site.

The local planning authority is satisfied that it is fundamental to the



development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 11) No development shall be carried out on the land until a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby approved. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Allocations and Development Management Plan.

- 12) No development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the local planning authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units hereby approved and shall be retained thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Allocations and Development Management Plan.

- 13) No development shall be carried out on the land until details, including samples as appropriate, 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. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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To ensure a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Allocations and Development Management Plan.

- 14) No development shall be carried out on the land until details of the green wall on the east (side) elevation of the hereby approved building has been submitted to and approved in writing by the local planning authority. The details shall include: method of installation, management and maintenance. The green wall shall be installed prior to the first occupation of the building and thereafter maintained and managed in accordance with the approved details. Any part of the green wall which is removed, die, becomes severely damaged or diseased within ten 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 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 enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Allocations and Development Management Plan.

- 15) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and GI1 of the Allocations and Development Management Plan.

- 16) The car parking spaces and turning areas as shown on the hereby approved plan PL.01/D shall be provided prior to first occupation of the building and kept available for such use at all times. No development shall be carried out on that area of land or to preclude vehicular access thereto. The car parking spaces shall be for the use of occupiers and visitors to the building only and shall not be reserved for specific individuals, companies or organisations. 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 the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

- 17) No development shall be carried out on the land until details for the installation of an electric vehicle charging point showing its proposed location, type and specification have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and shall be retained and maintained for use at all times. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Allocations and Development Management Plan.

- 18) No development shall be carried out on the land until full details of the secure cycle storage shown on the hereby approved drawing PL.01/D has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

- 19) The refuse and recycling storage as shown on the hereby approved plan PL.01/D shall be provided in accordance with the details so approved prior to the first occupation of any part of the development and retained as such thereafter.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 20) The commercial units hereby approved shall be used as Class A1 retail and for no other use.

In recognition of the location of the site within a protected retail frontage in the town centre and pursuant to policy L05 of the Sevenoaks Core Strategy and policy TLC2 of the Sevenoaks Allocations and Development Plan.

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- 21) Prior to the first occupation of any of the hereby approved residential units a final Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include the appointment of a Travel Plan co-ordinator, targets for non-car modes of travel and details of the arrangements for promotion of the Travel Plan. The Travel Plan shall be implemented in accordance with the details so approved and monitored at yearly intervals and the results, including an annual report, together with any amendments to the Travel Plan, shall be submitted to the local planning authority.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

### Informative

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

### Reserved Planning Applications

The Committee considered the following planning applications:

61. 17/01690/FUL - Abbeyfield, Stangrove Lodge, Manor House Gardens Edenbridge, Kent TN8 5EG

The proposal sought planning permission for demolition of an existing vacant care home and redevelopment to provide a new care home (Use Class C2) with a total of 85 rooms; integrated communal and support facilities, landscaped residents gardens, staff areas, refuse storage, parking and associated infrastructure and services. The application had been referred to Development Control Committee as Councillor Layland had concerns over the potential impact that the development would have on pedestrian and highway safety along Mont St Aignan Way.

Members' attention was brought to the main agenda papers and late observation sheet which amended the recommended conditions.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: David Churchill (Agent)  
Parish Representative: Clive Pearman (Town Councillor)  
Local Member: -

Members asked questions of clarification from the speakers and officers. Officers confirmed that the distance from the vehicle gate to the highway would be 15

metres and from the pedestrian gate to the pavement edge would be 3 metres. Officers also confirmed the pedestrian gate was indicated to open in to the site.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

Members discussed the application, in particular noting that Mont St Aignan was a relief road but that there was extant planning permission for a similar entrance.

The Chairman moved an amendment to the motion, that an informative be added advising the applicant to liaise with the Kent County Council as Highways Authority regarding the provision of appropriate signage to alert vehicles on Mont St Aignan Way of elderly people crossing the road. The amendment was put to the vote and was agreed.

The amended motion was put to the vote and it was

Resolved: That That planning permission be granted subject to the applicant entering into a Section 106 obligation covering a highway contribution and the following conditions-

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

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

- 2) No development apart from demolition, site clearance and the creation of the access from Mont St. Aignon Way shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the 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 EN1 as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) No development shall be carried out on the land until full details of both hard and 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), -written specifications (including cultivation and other operations associated with plant and grass establishment), -schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation. The local planning authority is satisfied that it is

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fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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

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

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

- 5) No development shall be carried out on the land until details of any outside lighting have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the building and thereafter maintained as such.

To safeguard the ecological interests of the local area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 6) No works shall be carried out within the application site until an Arboricultural Method Statement (AMS) has been submitted for approval, to include details of any works or operations in the vicinity of retained trees, detailing construction or installation methods to avoid damage to trees. The AMS should be in accordance with the recommendations of BS 5837:2012 and include a schedule of any proposed pruning works to retained trees. Any recommendations proposed are to be implemented in full before any development takes place or as set out in the approved statement.

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

- 7) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved 16/0437\_02 Rev B shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety.

- 8) The building hereby permitted shall not be used or occupied until all roads, access-ways and footways within the application site serving the building have been laid out and surfaced to basecoat tarmac level

or to such other standard suitable for the passage of vehicles or pedestrians as may be approved in writing by the local planning authority.

In the interest of highway safety.

- 9) The development hereby permitted shall not be used or occupied until the visibility splays shown on the approved 16/0437\_02 Rev B have been provided and anything which obstructs visibility at any height greater than 0.9m metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

- 10) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/0437\_02 Rev B, 16/0437\_013 Rev A, 16/0437\_010 Rev A, 16 0437/22, 16/0437\_07 Rev A, 16/0437\_08 Rev A, 16/0437\_35, 16/0437\_36 Rev B, 16/0437\_014 Rev A, 16 0437/20, 16/0437\_05 Rev A, 16/0437\_06 Rev A, 16/0437\_012 Rev A, 16/0437\_11 Rev A, 16 0437/23, 16 0437/21

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

- 11) In accordance with the approved plan, drawing number 16/0437\_02 Rev B, the pedestrian access onto Manor House Gardens shall be permanently retained in order to cater for the needs of pedestrians accessing the site from the west.

In the interests of ensure accessibility to the site in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan

- 12) The pedestrian and vehicle access to the development, including the off-site highway works, being the pedestrian link footpath on both sides of Mont St Aignan Way shall be completed in accordance with the approved details indicated on approved Drawing 04 submitted and approved in pursuance of condition 5 (access plan) of appeal APP/G2245/A/14/2216820 relating to planning application 12/01665/FUL. The off-site highway works as approved shall be completed and brought into use in accordance with the approved plans before development commences. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of pedestrian and highway safety.

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

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

- 14) No development shall take place (including vegetation clearance) until the applicant, or their agents or successors in title, has secured the implementation of an ecological watching brief to be approved by the local planning authority so that the full details of the methodology to clear the vegetation and buildings on site is observed and no protected/notable species are harmed as a result of the works. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the local planning authority. The works must be carried out as detailed within the approved scheme.

To ensure that appropriate mitigation is provided for the ecological and biodiversity impacts of the development and to accord to 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.

- 15) Prior to the occupation of the development hereby approved, an ecological enhancement plan detailing what enhancements will be incorporated in to the site shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance of the approved scheme.

In the interests of the biodiversity of the site.

- 16) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of in the first instance within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.



To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 17) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 18) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the local planning authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 19) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 20) No demolition of existing buildings on site shall take place until the approved new vehicular access onto Mont St Aignan Way has been constructed to basecoat tarmac level or to such other standard

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suitable for the passage of vehicles or pedestrians as may be approved in writing by the local planning authority.

In the interest of highway safety.

- 21) No development shall take place including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved method statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction.

To mitigate the impact during construction relating to highways safety and neighbouring amenities, in accordance with policies EN1, 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.

- 22) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 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 Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 23) 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.

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

24. The care home hereby approved shall not be occupied until full details of the glazing to the stairwells on the west elevations of the building has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the building and thereafter maintained as such.

To prevent inappropriate levels of luminescence throughout the night and any adverse impacts on neighbouring residential amenity.

#### Informatives

- 1) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 2) The applicant is advised that a sundial was donated to the town from its twin town Mont St Aignan and it should be included in the garden of the new development.
- 3) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.
- 4) The applicant is advised to liaise with Kent County Council Highways Authority in relation to provision of appropriate signage to alert vehicles to be aware of elderly people crossing the road.

62. 17/02363/FUL - Warren Court Farm, Knockholt Road, Halstead, Kent TN14 7ER

The proposal sought permission for the demolition of the existing buildings and hardstanding on-site and the erection of 29 No. dwellings comprising 6 No. two-bedroom, 15 No. three-bedroom, 6 No. four-bedroom, and 2 No. five-bedroom houses, hard and soft landscaping. The application had been referred to Development Control Committee by Councillor Williamson to consider the impact of the bulk of the development on the Metropolitan Green Belt in accordance with policies EN1 and H1 of the Allocations and Development Management Plan (2015).

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Members' attention was brought to the main agenda papers and late observation sheet which amended recommended condition 18 within the report. Officers further amended recommendation A(a) for Officers only to make any reasonably necessary minor adjustments in order to facilitate the permission as granted.

The Committee was addressed by the following speakers:

Against the Application: Mrs Sullivan  
For the Application: David Churchill (Agent)  
Parish Representative: Phil Draper (Town Councillor)  
Local Member: Cllr. Grint

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

Members debated the application in full, particularly noting that the majority of the site had been allocated for housing in the ADMP. The rear of the site was not allocated and was in the Green Belt but was previously developed.

Resolved: That

A) planning permission be granted subject to -

- a) The conditions set out below, subject to the officers being authorised to make any reasonably necessary minor adjustments in order to facilitate the permission as granted.
- b) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation being completed no later than 19 January 2018 (PROVIDED THAT if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice).
- c) The S106 legal agreement shall include the following requirements:
  - i Provision of on site affordable housing.

### Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-2571-001/A; 002/M; 003/E;

004/E; 005/D; 006/C; 007/C; 008/C; 016/B; 017; 020/E; 022/B;  
023/A; 024/B; 026/C; 027/C; 028/C; 030/A; 031/B; 034/E; 040; 041,  
JBA 16/241-03/B.

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

3) No development shall be carried out on the land until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

a. A preliminary risk assessment which has identified:-

i. all previous uses

ii. potential contaminants associated with those uses

iii. a conceptual model of the site indicating sources, pathways and receptors

iv. potentially unacceptable risks arising from contamination at the site.

b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

No development shall be carried out otherwise than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate

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that the site remediation criteria have been met. No development shall take place other than in accordance with the approved details.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

- 5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

- 6) No development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall be based on the preliminary strategy prepared by MLM Ltd (July 2017) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site, unless otherwise agreed in writing by the local planning authority. No development shall take place other than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the

local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Details shall include:

- i) a timetable for its implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 8) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the local planning authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 9) No development shall be carried out on the land until a demolition and construction environmental management plan (CEMP) for that Phase has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include:

- a. Details of the proposed working hours
- b. Details of locations of vehicle parking for site operatives and visitors
- c. Details of proposed wheel washing facilities located adjacent to the construction site access
- d. Details of an area for the storage of plant and materials
- e. A site waste management plan
- f. How the construction will comply with the sustainable use of soils on construction sites
- g. Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site

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- h. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- i. Details of the measures to mitigate the noise and vibration from construction
- j. Details of a surface water drainage scheme for the temporary drainage of the Site

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

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 10) No development shall be carried out on the land until full details of existing and proposed levels shall be submitted to and agreed in writing by the local planning authority. Proposed plans shall include a level (e.g. highway or footpath) adjacent to the site that will remain fixed/ unchanged and shall include levels adjoining the site. No development shall take place other than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the proposals would not impact detrimentally on amenity in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 11) No development shall be carried out on the land until a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby approved. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Allocations and Development Management Plan.



- 12) No development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the local planning authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units hereby approved and shall be retained thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Allocations and Development Management Plan.

- 13) 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 a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Allocations and Development Management Plan.

- 14) No development shall be carried out on the land until full details of the internal roads, including footpaths, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture has been submitted to and approved in writing by the local planning authority. The details shall demonstrate compliance with Kent County Council Highways Authority adoption standards. The internal roads, pavements, off-street parking spaces (including for visitors) and turning areas shown on the hereby approved plan 16-2571/002/M shall be provided prior to first occupation of any dwelling and kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or not, shall be carried out on that area of land or to preclude vehicular access thereto. 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 the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

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- 15) No development shall be carried out on the land until details for the bellmouth access and footway enhancement works shown on the hereby approved drawing 03.2/F, including provision of a continuous footway and dropped kerb pedestrian crossings has been submitted to and approved in writing by the local planning authority. The bellmouth access and footway enhancement works shall be completed in accordance with the details so approved prior to first commencement of development. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of highway and pedestrian safety in accordance with policies EN1 and T1 of the Allocations and Development Management Plan.

- 16) The visibility splays shown on the hereby approved drawing 16-2571/002/M shall be provided prior to first occupation of the development and retained and maintained thereafter.

In the interests of highway and pedestrian safety in accordance with policies EN1 and T1 of the Allocations and Development Management Plan.

- 17) No development shall be carried out on the land until details for the installation of electric vehicle charging points showing their proposed locations, type and specifications have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and shall be retained and maintained for use at all times. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Allocations and Development Management Plan.

- 18) No development shall be carried out on the land until a landscaping scheme consistent with the hereby approved Landscape Masterplan (ref. JBA 16/241 - 03) has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following details:

- a) trees and shrubs to be retained (including details of appropriate tree protection measures for the existing trees and shrubs shown to be retained);
- b) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible), density and size;
- c) *enclosures: including types, dimensions and treatments of walls and fences (to include details of retention and any necessary alterations*

*to boundary treatments on the north and east side boundaries adjacent to Deerleap Stud Farm), pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;*

- d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces;
- e) any other landscaping feature(s) forming part of the scheme; and
- f) a landscape management plan detailing how each of the landscaping areas will be maintained.

All landscaping in accordance with the approved scheme shall be completed / planted prior to the first occupation of any part of that phase. 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 ten 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. No development shall take place other than in accordance with the approved details and shall be maintained as such thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Allocations and Development Management Plan.

- 19) No development shall be carried out on the land until an Arboricultural Method Statement (to include a schedule of pruning works) and a Tree Protection Plan (specifying necessary tree protection measures) in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development

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

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 20) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the local planning authority. The details shall include, but not be limited to, provision of bat boxes, bird boxes and native planting and a timetable for implementation. No development shall take place other than in accordance with the approved details prior to the first occupation of the development. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and G11 of the Allocations and Development Management Plan.

- 21) The development shall be carried out in full accordance with the precautionary mitigation recommendations set out in part 6 of the hereby approved Ecological Appraisal (by Aspect Ecology dated 15/12/2106).

In order to protect nature conservation in accordance with policy SP11 of the Core Strategy, policies EN1 and G11 of the Allocations and Development Management Plan.

- 22) No development shall be carried out on the land until a detailed method statement for the removal/eradication of all Japanese knotweed on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statement. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To prevent the further spread of Japanese knotweed and to comply with policies EN1 and G11 Allocations and Development Management Plan.

- 23) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. Details shall include details of fixtures and location, hours of operation and details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution. Despite

any development order, outside lighting shall only be provided in accordance with the approved details and no further external lighting shall be installed on the site without the prior written consent of the local planning authority.

In the interests of the visual amenity of the area and to ensure the creation of a safe and secure environment in accordance with policy EN1 of the Allocations and Development Management Plan.

- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 to plots 9, 10, 11, 12 or 13 without the prior written approval of the local planning authority.

To prevent inappropriate development in the Green Belt and to safeguard the openness and visual amenity of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes B or C of Part 1 of Schedule 2 to the said Order shall be carried out to plots 1-8 (inc) or 23-29 (inc) without the prior written approval of the local planning authority.

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 Allocations and Development Management Plan.

- 26) The first floor level bathroom and stair windows in the rear (north) elevation of plot 1 shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy 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.

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- 2) You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).
- B) If the S106 legal agreement is not signed in accordance with recommendation A, then planning permission be refused on the following grounds.
- 1) The proposal fails to secure appropriate provision for affordable housing contrary to policy SP3 of the Core Strategy (2011), the Affordable Housing SPD, National Planning Policy Framework and National Planning Practice Guidance.

THE MEETING WAS CONCLUDED AT 8.41 PM

CHAIRMAN

4.1 - 17/02386/MMA      Date expired 26 September 2017

Proposal:                      Minor material amendment to application SE/15/02253/FUL for the demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking to show modification of the north roof slope at third floor level to create an inverted terrace, frame less balustrade.

Location:                      Ragstones, 1 The Vine, Sevenoaks, Kent TN13 3SY

Ward(s):                      Sevenoaks Town & St Johns

**ITEM FOR DECISION**

This application is referred to the Development Control Committee at the request of Councillor Fleming who has concerns regarding the impact of the development on residential amenity of Belmont.

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

1)      The development hereby permitted shall be begun before the expiration of the time limit imposed on application SE/15/02253/FUL.

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: P20G, P22N, P30M, P71L, P72Q, P73P, P74L, P92A, P93D, P94A, P901A

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

3)      The details contained within the Construction Method Statement as approved under application SE/16/01415/DETAIL shall be adhered to throughout the construction period.

To protect the amenities of the locality

4)      Prior to occupation of the development, the landscaping details as shown on approved plan P20G and P22N shall be implemented, and shall be retained thereafter unless otherwise approved in writing by the local planning authority.

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

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

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

6) The development shall be carried out using the materials approved under application SE/16/01492/DETAIL.

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

7) The foul and surface water drainage shall be completed in accordance with the details approved under application reference SE/16/01439/DETAIL.

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

8) Cycle storage shall be provided in accordance with the details approved under application reference SE/16/01558/DETAIL, and retained as such thereafter.

In the interests of sustainable transport provision.

9) Details of obscure glazing of the flank windows as approved under application reference SE/16/01521/DETAIL shall be implemented prior to occupation of the building and retained thereafter.

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

10) Details of all boundary and enclosure treatments of the site as approved under application reference SE/16/01597/DETAIL shall be implemented prior to occupation of the development and retained thereafter.

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

11) The development shall be carried out in accordance with the levels approved under application reference SE/16/01522/DETAIL.

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

12) The rooflights in the north facing elevation of the proposed building shall be installed with a minimum cill height of 1.7 metres above the floor of the room in which the roof lights are installed.

To protect the privacy of the neighbouring property, in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

### **Note to applicant**

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



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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.
- 2) 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 approval for a minor material amendment to the permitted scheme to introduce an inverted, recessed roof terrace to the northern roof plane of the main roof of the approved building.
- 2 Due to the proposed position of the terrace set back within the roof space the roof structure there would be no need for any external features such as balustrading for safety purposes.
- 3 Construction works on site are well progressed on the approved scheme, with the building approaching the eaves height and the roof structure currently being formed of the central element of the building. These works are being carried out in accordance with the existing approved schemes and the proposed terrace has not been created.

### Description of site

- 4 The application site consists of a large plot within the Vine Conservation Area, and the urban confines of Sevenoaks. The site is bounded to the north by Belmont, a detached gable and pitch roof building of 2-3 storeys in yellow brick, and to the south by Pavilion Gardens, a 3 storey, gable clay tile hung block of apartments.

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- 5 In front of the site, to the east lies the Vine Cricket Ground which includes the listed Pavilion building. The application site is in excess of 33m in length with gardens from The Drive backing onto it.

### Constraints

- 6 As noted above the site lies within the built urban confines of Sevenoaks and The Vine Conservation Area.

### Policies

#### *Core Strategy (CS)*

- 7 Policies:

- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Size and Type
- SP7 Density of Housing Development

#### *Allocations and Development Management (ADMP)*

- 8 Policies:

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- T2 Vehicle Parking

### *Other*

- 9 The National Planning Practice Guidance (NPPG)
- 10 The Planning (Listed Buildings and Conservation Areas) Act 1990
- 11 The National Planning Policy Framework (NPPF)

Para 14 of the NPPF confirms that there is 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).

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.

- 12 The Vine Conservation Area Conservation Area Appraisal

## Planning history

- 13 SE/15/02253 - Demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking - Granted 13.11.15.

SE/16/02491 - Non-material amendment to SE/15/02253/FUL - Amendment non-material 12.09.16.

SE/16/02840 - Minor material amendment to application SE/15/02253/FUL (Demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking) to accommodate updated plans - Granted 08.11.16.

SE/16/03498 - Minor material amendment to application SE/15/02253/FUL (demolition of existing building and erection of 6 new build apartments with undercroft parking and associated landscaping and visitor parking) to accommodate updated plans - Granted 17.05.17.

## Consultations

*Sevenoaks Town Council - 15.08.2017*

- 14 "Sevenoaks Town Council recommended approval subject to the Conservation Officer being satisfied that there is no significant loss of amenity to neighbouring property and conserves the current Conservation Area."

## Representations

- 15 We received eight letters of objection relating to the following issues:

- The design of the proposed amendment;
- The impact on residential amenity;
- The proposed unsustainable development;
- Loss of privacy;
- Impact on the amenity of the area;
- Overlooking;
- Inaccuracies in the plans;
- The situation from the lower balconies is not the same as the proposed terrace;
- The proposed terrace is above the roof line of the right hand projection of the approved building and the approved rear boundaries; and
- Impact on the conservation area.

## Agenda Item 4.1

### Chief Planning Officer's appraisal

#### Principal issues

16 The principal issues for consideration are:

- The potential impact on residential amenity;
- The potential impact on the character and appearance of the area;
- Sustainable development; and
- The Community Infrastructure Levy (CIL).

#### *The potential impact on residential amenity*

- 17 Firstly, it is important to note that there have been no changes in Development Plan Policy or material considerations since the last planning permission was granted on the 17<sup>th</sup> May 2017.
- 18 The applicant has provided plans which indicate the view the new resident would have from the proposed terrace looking towards Belmont, to the north of the site.
- 19 These plans demonstrate that the proposed introduction of the side facing terrace, at the upper roof level of the new building, would not allow overlooking of the neighbouring property of their private amenity space (the first 5m of rear garden from the rear of their house) and so would not result in a loss of privacy to the occupiers of this dwelling.
- 20 The reason for this is the position of the terrace within the roof of the approved building and the position of the lower level northern projection of the building.
- 21 The relationship between the terrace, the northern projection to the building and Belmont is such that the northern projection would obscure views of the southern flank wall of Belmont and the vast majority of the rear amenity area of Belmont.
- 22 The applicant has demonstrated that where views would be available of the rear amenity area, these would be of the extreme northern side of the amenity area, which would be in excess of 35m away from the proposed terrace. At this distance no detrimental overlooking or loss of privacy would occur.
- 23 The southern flank wall of Belmont possesses a number of windows. Since the northern projection of the approved building would obscure views of the side wall of Belmont there would be no overlooking or loss of privacy to these windows.
- 24 As noted above, the proposed terrace would not require any external features beyond the approved roof structure and form since it would be contained within the approved roof.
- 25 I am therefore of the conclusion that, as a result of the proposed amendment, the development would not have a detrimental impact on the

residential amenities of the existing or future occupiers of neighbouring properties, particularly those of Belmont to the north of the site.

- 26 It follows that the development is in accordance with the NPPF and policy EN2 of the ADMP.

### *The potential impact on the character and appearance of the area*

- 27 The site lies within the Vine Conservation Area and so Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. The Act 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.
- 28 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.
- 29 As has been established, the development comprises the creation of a recessed terrace within the existing roof form of the approved building. Due to its design there would be no requirement for any part of the terrace to project above the approved plane of the roof.
- 30 What would therefore be perceivable from the street to the front of the site and the surrounding area is a small gap in the right hand plane of the main roof of the approved building.
- 31 This would not increase the bulk, mass or built form of the approved building and so would not harm the special character of the conservation area and would preserve the character and appearance of the general street scene.
- 32 As such the development would comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy SP1 of the Core Strategy and policies EN1 and EN4 of the ADMP.

### *Sustainable development*

- 33 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
  - specific policies in this framework indicate development should be restricted; or

## Agenda Item 4.1

- material considerations indicate otherwise.

- 34 In my opinion, the proposed scheme wholly 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.

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

- 35 This proposal is CIL liable and no exemption has been sought.

### Other issues

- 36 Representations refer to inaccuracies in the submission namely that the roof light windows on south plane of the roof are incorrectly positioned on the plans provided and that a photo taken in an attempt to replicate the height of the terrace is incorrect.
- 37 Since the original submission of the application the applicant has corrected the plans to show the approved position of the south facing roof light windows.
- 38 It is also the case that the photo provided has not formed part of the assessment of the application following the receipt of amended plans.

### Conclusion

- 39 The proposal would preserve the residential amenities of the occupiers of the neighbouring property, Belmont, and would not harm the historic character and appearance of the area. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

### Background papers

Site and block plan.

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

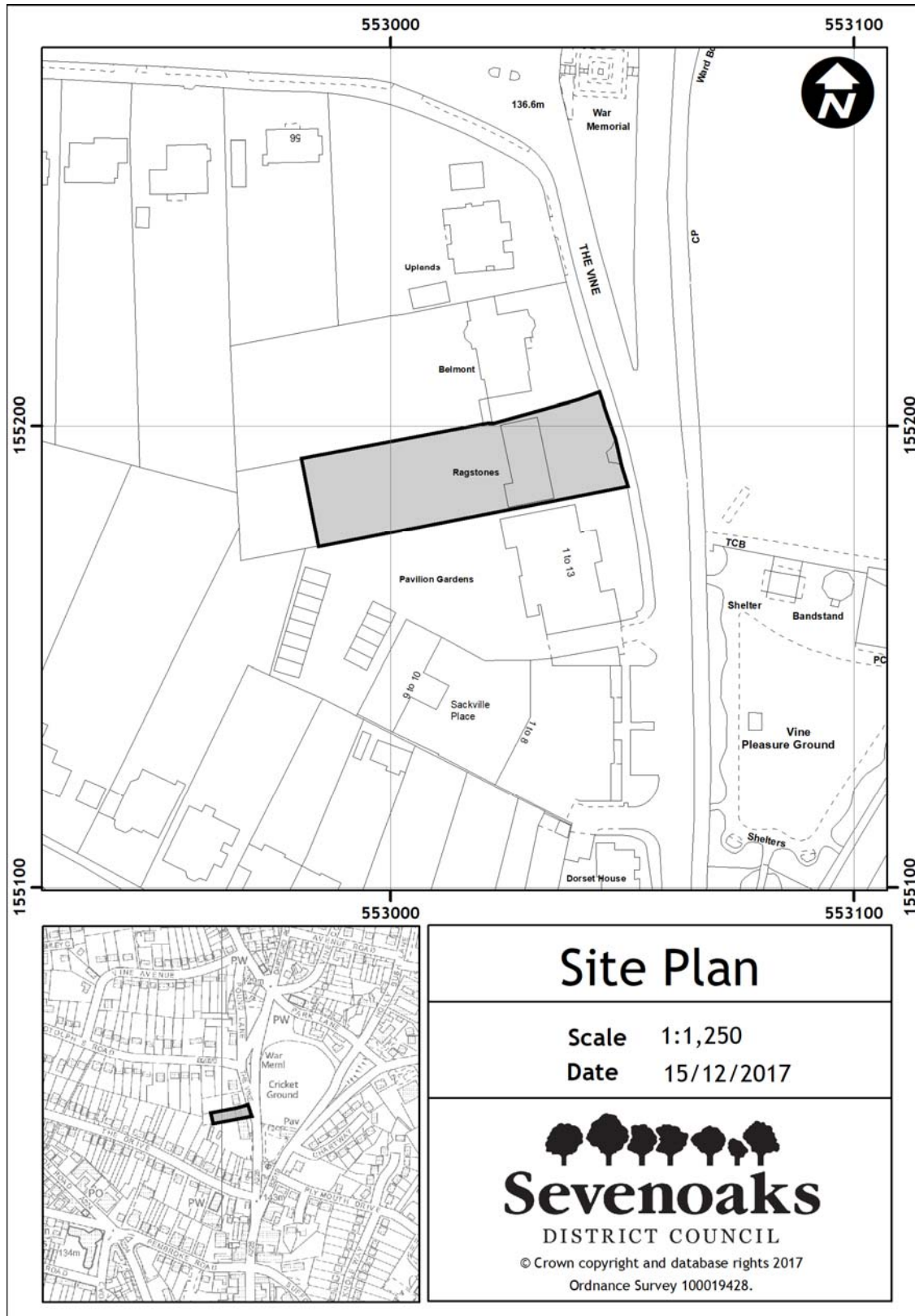
Richard Morris  
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTNLX3BKIOF00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTNLX3BKIOF00>

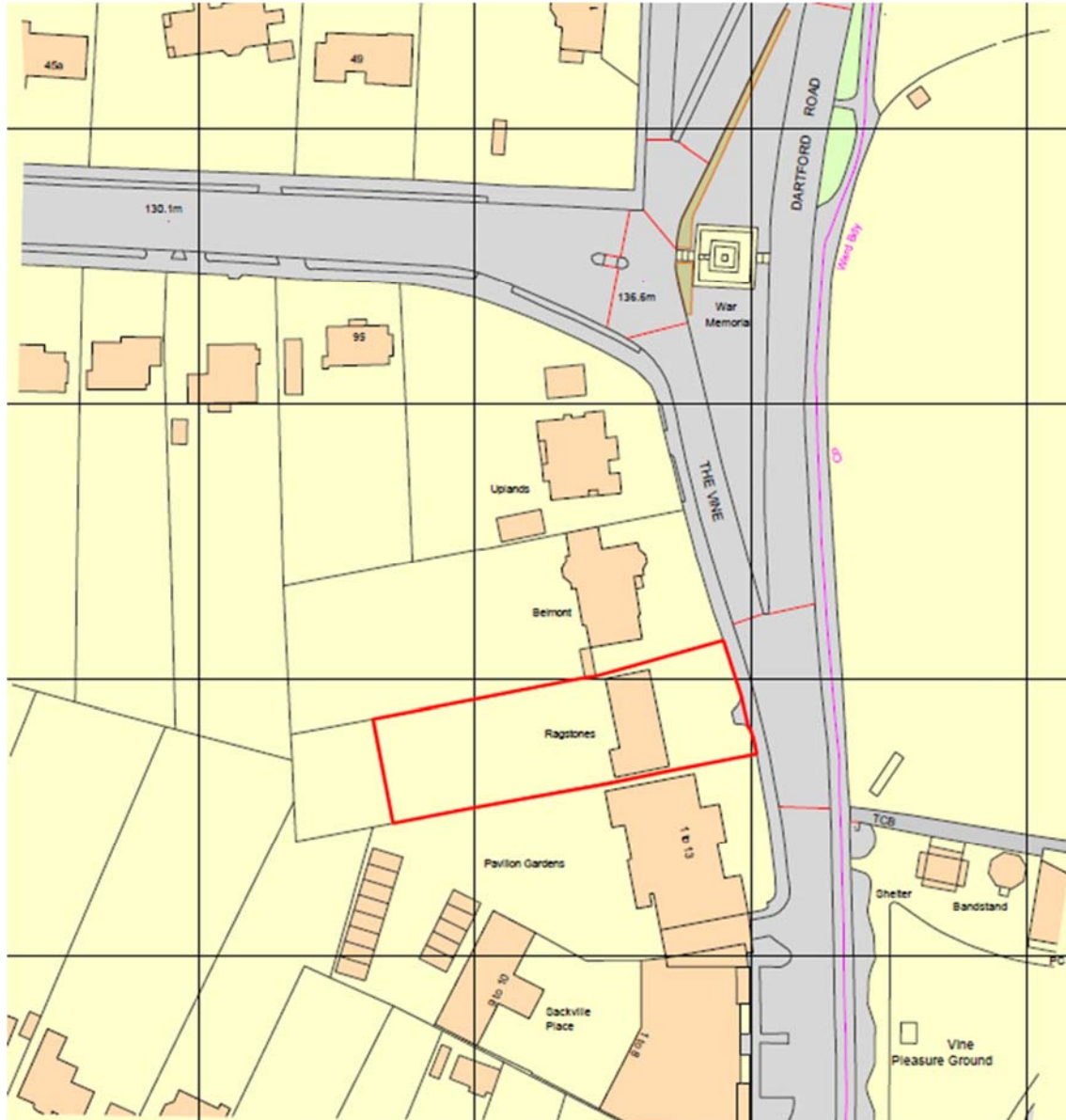


# Site Plan

Scale 1:1,250  
Date 15/12/2017

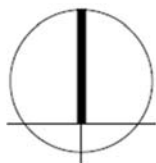


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Ordnance Survey 100019428.



KEY:

 Site Boundary (0.13Ha)





4.2 - 17/03227/HOUSE      Date expired 5 December 2017

Proposal:                      Extension of existing patio.

Location:                      9 Wyndham Avenue, Leigh, Kent TN11 8RB

Ward(s):                      Leigh & Chiddingstone Causeway

**ITEM FOR DECISION**

This application has been referred to the Development Control Committee by Councillor Lake because the patio and fence would be intrusive and not in keeping with the surrounding area.

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

1)      The proposed boundary fence shown on drawing no. 1721-02 rev A shall be constructed within two months of the decision date unless otherwise agreed in writing by the Local Planning Authority, and retained thereafter.

In the interests of neighbouring amenity.

2)      The materials to be used in the construction of the development shall be those indicated on the approved plan 1721-02 Rev A - Date Stamped 15.11.17.

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

3)      The development hereby permitted shall be carried out in accordance with the following approved plans: 1721 - 01 and 02 Rev A - Date Stamped 15.11.17.

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

**Note to applicant**

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

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line  
([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/65](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/65))

## Agenda Item 4.2

4.asp),

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

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### Description of proposal

- 1 Extension of existing patio. The patio has already been built out and therefore this application is to regularise the situation. The application also includes a height increase of the existing boundary fence by 0.3 metres.

### Description of site

- 2 The application site is a semi-detached property in the Wyndham Avenue. The property has recently been extended. The site is situated within the Leigh & Chiddingstone Causeway Ward.

### Constraints

- 3 Urban Confines - Leigh

### Policies

#### *Allocations and Development Management (ADMP)*

- 4 Policies:

EN1 - Design Principles,  
EN2 - Amenity Protection

#### *Core Strategy (CS)*

- 5 Policies

SP1 - Design of New Development and Conservation

#### *Other*

- 6 Leigh Village Design Statement
- 7 National Planning Policy (NPPF)

### Relevant planning history

8 16/00659/HOUSE - Demolish existing single storey side extension and build a two storey side extension. GRANT

17/01581/HOUSE - Extension of existing patio. REFUSE

### Consultations

#### *Parish Council*

9 Leigh Parish Council strongly objects to this application. The height of the proposed fence would have an unacceptable impact on the residents at 8 Wyndham Avenue. The proposed fence, being 2.4m high, would give loss of light and be overpowering, and altogether would have a detrimental impact on the neighbours.

### Representations

10 One letter of objection has been received from the neighbour at 8 Wyndham Avenue. This raises the following concerns;

- This application is a continuation of the application previously refused.
- The only difference is the proposed fence between 8 and 9 Wyndham Avenue which will be 2.8 metres high.
- The patio pier has been built without planning permission and has been issued with an order to remove.
- Loss of light already occurs from the new extension and now the fence will further block light.
- No other properties have fences 2.8 metres high between their gardens.

### Chief Planning Officer's Appraisal

#### Principal issues

11 The main issues for consideration are

- Impact on the Street Scene and Design
- Impact on Neighbouring Amenity

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

#### *Presumption in favour of sustainable development:*

13 Para 14 of the NPPF confirms that there is 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.)

## Agenda Item 4.2

- 14 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.

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

- 15 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).
- 16 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.
- 17 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.

### *Extension to existing patio*

- 18 This application seeks to regularise the extension to the patio area which has already been built out. The round-headed patio area extends beyond the line of the existing patio by approximately 4.6 metres, has a width of 3 metres and a height of 0.65 metres from natural ground level. This 'pier' is built close to the boundary with 8 Wyndham Avenue and is currently being used as an outside seating area with table and chairs. The new patio area is not excessive in size and has been constructed using materials that fit well with the host dwelling. The patio is not visible from the street scene or from outside the application site.

### *Fence*

- 19 The existing fence between the application site and 8 Wyndham Avenue measures 1.8 metres from the garden level of the application site and 1.5 metres from the level of the new patio. Due to the land levels (the application site being raised higher than No. 8 Wyndham Avenue) the existing boundary fence is approximately 2.2 metres in its highest part when viewed from 8 Wyndham Avenue.
- 20 As part of this application it is proposed to increase the height of the fence between the two properties to overcome the loss of privacy the patio creates to 8 Wyndham Avenue. The proposed fence between the application site and 8 Wyndham Avenue will be increased so that the fence height from the level of the patio would be 1.8 metres (to provide adequate screening). Again, due to the land levels the proposed boundary fence is approximately 2.5 metres when viewed from 8 Wyndham Avenue. This is an increase of 0.3 metres (one foot).

- 21 Although it is accepted that the proposed 2.5 metre boundary fence is higher than a typical fence found between properties, it is not unusual where there are differing land levels for fences to be higher. In this particular situation the height increase is only 0.3 metres which I do not consider to be a significant change. For this reason I consider the design of the fence and its height to be acceptable.
- 22 In light of the above, it is considered that the patio and fence would not have a detrimental impact on the character and appearance of the local area.

### *Amenity*

- 23 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.
- 24 Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 25 At present the extension to the patio area that has been built out results in a significant loss of privacy to No. 8 Wyndham Avenue. The reason the previous application was refused was 'The extended patio area results in an unacceptable loss of privacy and overlooking of 8 Wyndham Avenue. As such the extended patio area is contrary to the National Planning Policy Framework, Policy EN2 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Residential Extensions SPD'.
- 26 This application seeks to regularise the extended patio area but also introduces a higher boundary fence between the application site and the neighbouring property at No.8 Wyndham Avenue, to overcome the loss of privacy/overlooking resulting from the patio pier.
- 27 The proposed fence between the application site and 8 Wyndham Avenue will be increased so that the fence height from the level of the patio would be 1.8 metres (providing adequate screening). This is an increase of 0.3 metres over the existing fence and will be controlled by condition to be increased within two months of the date of the decision. Members will note that planning applications should be not refused when conditions can be imposed to address concerns raised and make development acceptable.
- 28 8 Wyndham Avenue has a single-storey extension which is positioned close to the boundary with 9 Wyndham Avenue. The rear part of this extension contains a WC and a utility room, neither are habitable rooms. While it is acknowledged that the fence may result in some loss of light to these rooms

## Agenda Item 4.2

they are not habitable rooms. In relation to the lounge which is a habitable room I am satisfied that the fence is a sufficient distance away (approximately 7 metres) to not result in a significant loss of light to this room.

- 29 In terms of outlook, again I am satisfied that the increase in fence height by 0.3 metres would not affect the immediate outlook from the lounge window.
- 30 In light of the above, it is considered that the patio pier and proposed fence would not have an objectionable impact on neighbouring amenity.
- 31 In the previous application it was concluded that a condition requesting a fence to provide privacy would not be acceptable, as the fence created would be overbearing. No formal assessment of this was carried out in the previous application as this did not form part of the proposal.

### Other issues not addressed within the report

- 32 In response to neighbour comments;
- This application is a continuation of the application previously refused.
- 33 This application is to regularise the extension to the patio that has been built out and also includes a fence between 8 and 9 Wyndham Avenue to provide a privacy screen.
- The only difference is the proposed fence between 8 and 9 Wyndham Avenue which will be 2.8 metres high.
- 34 The proposed fence would measure 2.5 metres high when viewed from 8 Wyndham Avenue.
- The patio pier has been built without planning permission and has been issued with an order to remove.
- 35 No enforcement notice has been issued to remove the patio. Any enforcement action would be in abeyance pending the decision of this application. Enforcement action is only ever taken when it is expedient, proportionate and in the public interest.

### *CIL*

- 36 This development is not CIL liable.

### Conclusion

I consider that the proposed development would not have a detrimental impact on the character and appearance of the local area and would not harm neighbouring amenity. Consequently the development is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

Contact Officer(s): Rebecca Fellows Extension: 7390

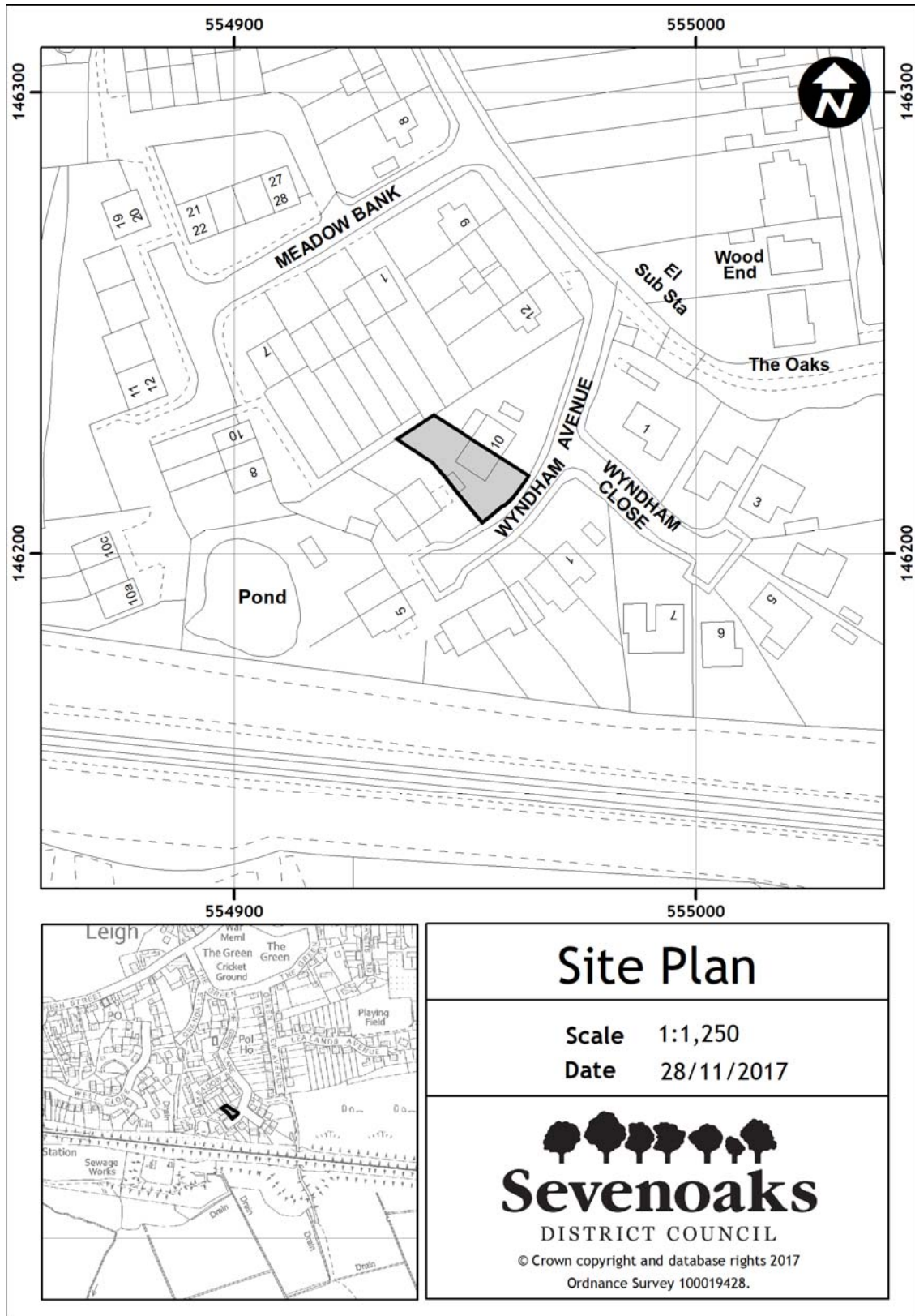
Richard Morris  
Chief Planning Officer

Link to application details:

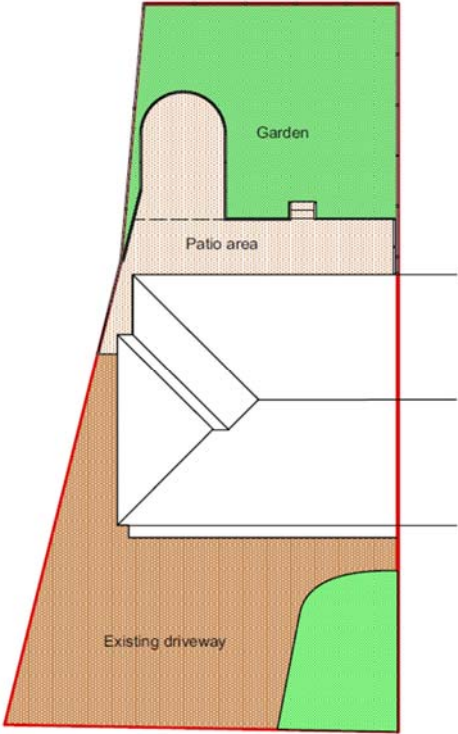
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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OXM789BKH7G00>







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4.3- 17/03306/HOUSE Revised expiry date 2 February 2018

Proposal: Erection of a two storey side, single storey front & rear extensions. Landscaping works.

Location: 12 Orchard Road, Otford, KENT TN14 5LG

Ward(s): Otford & Shoreham

**ITEM FOR DECISION**

The application was referred to Development Control Committee as Councillor Lowe states that the application does not meet The Sevenoaks Residential Extensions Supplementary Planning Document 4.20, the proposed extension is not subservient either on the roof line or being set back from the original building and there is no planning regulation for precedents.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: TP/LOC/01, TP/BLOC01, TP/BR/01, TP/BR/02/A/B/C

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

**Note to applicant**

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

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

## Agenda Item 4.3

- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
  - By providing a regular forum for planning agents,
  - Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
  - Providing easy on line access to planning policies and guidance, and
  - Encouraging them to seek professional advice whenever appropriate.
- In this instance the applicant/agent:
- 1) Did not require any further assistance as the application was acceptable as submitted.

### Description of Proposal

- 1 The applicant has proposed the erection of a two storey side, single storey front and rear extensions and landscaping works. The landscaping works includes alterations to the parking on site through the addition of permeable block paving to provide an extra parking space.

### Description of Site

- 2 The property is a semi-detached dwelling located in Orchard Road within a residential area. The application site is located within the parish of Otford.

### Constraints

- 3 No relevant constraints.

### Policies

#### *Allocations and Development Management (ADMP)*

- 4 Policies:
  - EN1 - Design Principles,
  - EN2 - Amenity Protection

#### *Core Strategy (CS)*

- 5 Policies:
  - SP1 - Design of New Development and Conservation

#### *Other*

- 6 National Planning Policy Framework (NPPF)

7 Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

### Relevant Planning History

8 No relevant planning history

### Parish Council

9 Objection; closes gap between properties, not set back from the original, side extension visible to road.

### Representation

10 One representation was received. The issues raised were:

- Loss of Light

### Chief Planning Officer's Appraisal

#### Principle Issues

11 The main issues for consideration are:

1. Impact on the character of the area
2. Impact on residential amenity

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

12 The two storey side extension and single storey front extension will impact the street scene as it is clearly visible and will alter the appearance of the front elevation. However, as various properties within the street have extensions of a similar bulk and appearance; for example no.7, the proposed extensions will not harm the character of the street. The front extension complies with Sevenoaks SPD as they are already present within the street; with the proposed extension not exceed any further forward than the existing garage and porch. The proposed roof would also be more sympathetic to the form of the dwelling than the existing.

13 The extension would reduce the space between the property and neighbouring property, no. 14. However, a gap of approximately 0.9m is to remain to the boundary. The Residential Extensions SPD states that a gap of 1 metre is desirable if there is a set building gap within the street. However, there are examples in the street with different gaps to the boundary. No.7 has a two storey side extension which will be the same as the proposal with a gap of also less than 1 metre between the side extension and the boundary line. Therefore, I do not consider the gap of 0.9m, just 0.1m (4 inches) to be sufficient to justify a refusal on the basis of any terracing effect.

14 The proposed single storey rear extension would not be visible from the front elevation of the property and therefore would not alter the visual

## Agenda Item 4.3

appearance of the dwelling from the street. The extension complies with the SPD as it will not exceed further than 3 metres from the rear elevation of the property and will not exceed an overall height of 4 metres.

- 15 The proposal will not result in a loss of parking on the site. Furthermore, the proposed roof and materials are to match the existing on site and will integrate well within the application site. In addition, the materials for the proposed landscaping will also match the existing. In result of this, the proposal complies with Policy EN1 of the ADMP.

### *Impact on residential amenity*

- 16 The proposed development is to include windows on the ground floor and first floor rear elevation, a door at ground floor on the side elevation and windows at ground and first floor on the front elevation. In regards to the front elevation, this will result in minimal harm to the outlook and privacy of neighbouring properties as the neighbours are located at a distance of approx. 30 metres from the proposal. The rear windows will also result in minimal harm to neighbours as the site to the rear is highly vegetated and these neighbouring properties are located at a significant distance from the proposal and are not visible. There will be no impact in terms of overlooking and privacy to the adjoining property as there are no proposed windows to be facing this neighbour. The neighbour does have a conservatory close to the boundary line; however there is a brick wall between the properties, visually shielding each site from one another. In regards to no. 14, there is going to be a door facing this property, however as there is a sufficient gap within the properties and the neighbour's side windows are located at a high level, any harm from loss of privacy and outlook would be minimal.
- 17 Within the Sevenoaks Residential Extension SPD, a 45° test is conducted in order to assess a loss of light to neighbouring properties. In regards to the adjoining property no.10, the proposal would pass on both the floor plans and elevations as the neighbour has a conservatory which exceeds the same depth as the proposed rear extension would. Furthermore, the proposal would also pass the floor plans and elevations for no.14. This property does have two windows on the side elevation which are secondary high level windows facing the proposal. They are also served by front and rear windows. Therefore the extension will not result in any loss of light to the neighbouring property no.14.
- 18 The proposed landscaping will have no impact to the residential amenity.
- 19 Therefore, the proposal complies with Policy EN2 of the ADMP.

### *Highways, Parking, and Access*

- 20 Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current Kent County Council (KCC) vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide. This states that properties with 3 bedrooms require 2 independently assessable parking spaces. The application site provides two dependent parking spaces and there is on street parking available in Orchard Road. Therefore, the proposal complies with this.

*CIL*

21 The proposal is not CIL liable.

### Conclusion

22 The proposed development complies with Policies EN1 and EN2 of the ADMP and it is therefore recommended that this application is granted.

### Background Papers

Site and Block Plan

Contact Officer(s): Louise Cane Extension: 7390

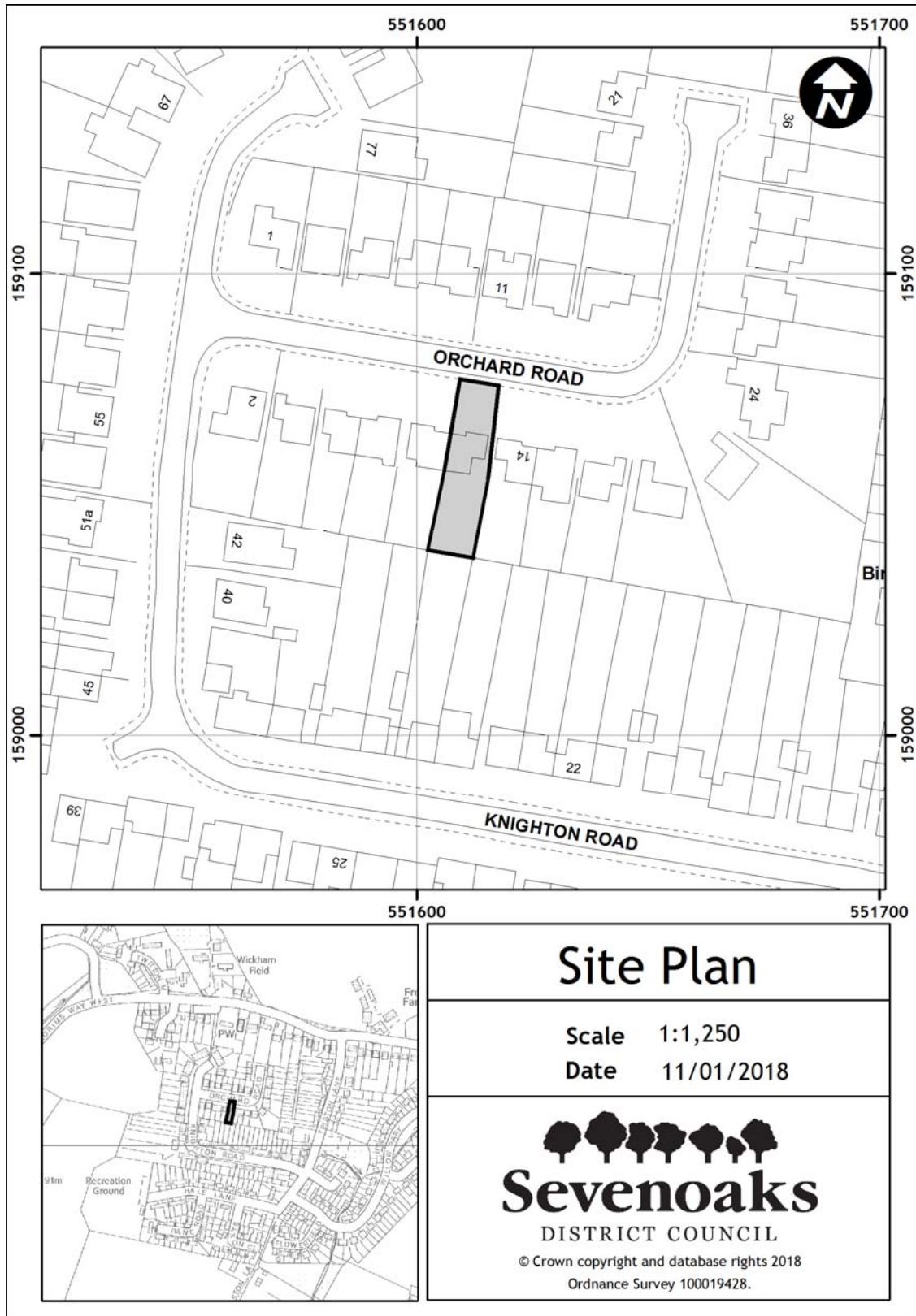
Richard Morris  
Chief Planning Officer

Link to application details:

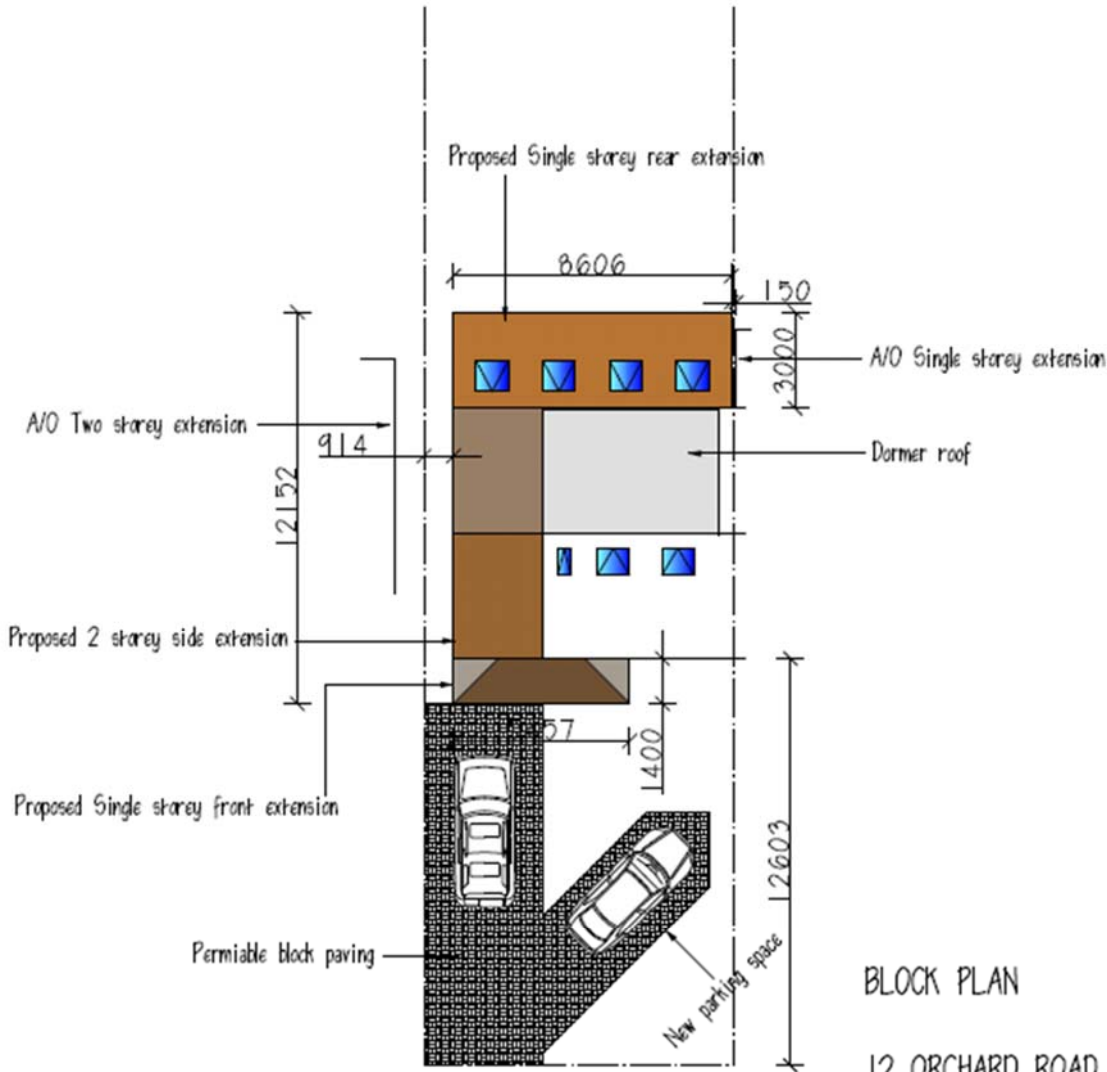
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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OXXB84BKK4C00>







BLOCK PLAN  
 12 ORCHARD ROAD  
 OTFORD  
 KENT  
 TN14 5LG

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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 25 January 2018

**4.1 17/02386/MMA Ragstones, 1 The Vine, Sevenoaks TN13 3SY**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTNLX3BKIOF00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTNLX3BKIOF00>

**4.2 17/03227/HOUSE 9 Wyndham Avenue, Leigh, Kent TN11 8RB**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OXM789BKH7G00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OXM789BKH7G00>

**4.3 17/03306/HOUSE 12 Orchard Road, Otford, Kent TN14 5LG**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OXXB84BKK4C00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OXXB84BKK4C00>

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