

07 February 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 30.01.19



Development Control Committee

Membership:

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

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.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 17 January 2019 as a correct record.	(Pages 1 - 8)	
2. Declarations of Interest or Predetermination Including any interests not already registered.		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 18/03097/FUL - Land Rear Of 31 Serpentine Road, Sevenoaks TN13 3XR Erection of detached dwelling with integral garage.	(Pages 9 - 22)	Emma Gore Tel: 01732227477
4.2 18/03462/FUL - Land Rear Of 2 Uplands Close, Riverhead TN13 3BP Construction of detached three bedroom dwelling incorporating garage, access and off street parking.	(Pages 23 - 38)	Emma Gore Tel: 01732227477

EXEMPT INFORMATION

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

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 4 February 2019.

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.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 17 January 2019 commencing at 7.00 pm

Present: Cllr. Thornton (Vice Chairman) (In the Chair)

Cllrs. Barnes, Brown, Clark, Coleman, Edwards-Winsor, Horwood, Mrs. Hunter, Layland, McArthur, Parkin, Purves, Reay, Thornton and Raikes Reay

Apologies for absence were received from Cllrs. Ball, Bosley and Williamson

Cllrs. Firth, Maskell and Piper were also present.

52. Minutes

Resolved: That the Minutes of the Development Control Committee held on 13 December 2018 be approved and signed as a correct record.

53. Declarations of Interest or Predetermination

There were none.

54. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 56 18/02964/FUL - 3 Bull Cottages, Church Road, Brasted, Kent TN16 1HY.

Reserved Planning Applications

The Committee considered the following planning applications

55. 18/00928/FUL - Land South Of Trotts Cottage, Trotts Lane, Westerham Kent TN16 1SD

The proposal sought permission for the erection of one 1 bedroom bungalow, parking and garden space. Members were advised that an appeal was underway on the grounds of non-determination and the resolution on this item would be considered by the Planning Inspectorate as a part of the appeal.

The application had been referred to the Development Control Committee by Councillors Maskell and Esler due to concerns relating to the development's impact to the character of the area in accordance with policy EN1 of the Sevenoaks

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Development Control Committee - 17 January 2019

District Council's Allocation and Development Management Plan and the National Planning Policy Framework.

Members attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Ray Bushell
For the Application:	-
Parish Representatives:	Town Cllr David Le Breton
Local Members:	Cllr Maskell

Member asked questions of clarification from Officers. Members questioned the validation status of the application and were advised that the application had been invalidated and revalidated a number of times. The density levels referenced in the report were accurate for the most recent plans which would be considered by the Inspector.

It was moved by the Chairman and duly seconded that the recommendation within the report that the Planning Inspectorate be advised that the Committee would have granted planning permission, be approved.

The boundary dispute issues were noted. It was recognised that the density targets were a guideline, and issues relating to overbearing, loss of light and encroachment were subjective.

The motion to advise the Planning Inspectorate that the Committee would have granted planning permission was put to the vote and it was

Resolved: That the Planning Inspectorate be advised that Members of the Development Control Committee would have resolved that planning permission be granted subject to the following conditions

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: S18/6535/01, 17815PL101 C, 17815PL102 B.

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

- 3) No development shall be carried out above damp proof course level of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local

planning authority. The development shall be carried out using the approved materials.

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

- 4) Prior to the occupation of the dwelling 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 and trees, plants and trees to be retained and new planting and trees), -written specifications (including cultivation and other operations associated with tree, plant and grass establishment), -schedules of new plants and trees (noting species, size of stock at time of planting and proposed number/densities where appropriate), - Details of any means of enclosure, and -a programme of implementation. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The works shall be carried out in accordance with the approved details.

To enhance the visual appearance of the area as supported by EN5 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to any works commencing on site (including vegetation clearance) a precautionary ecological method statement and ecological enhancement strategy produce by an experienced ecologist is submitted for written approval by the local planning authority. The works must be implemented as detailed within the approved strategy.

To ensure the protection of any protected species and reptiles in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 6) Prior to the occupation of the approved dwelling details of ecological enhancements across the site shall be submitted to and approved in writing by the local planning authority. The proposed works shall be carried out in accordance with the approved details.

To enhance the ecology of the local area, protected species and reptiles in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, D or E of Part 1 of Schedule 2 or Class A of part 2 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To safeguard the amenities of neighbouring occupiers as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved works for the disposal of surface water have been provided on the site in accordance with details to be submitted to and approved in writing by the local planning authority.

In the interest of preventing surface water run off in accordance with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 9) The development hereby permitted shall be carried out in accordance with tree protection guidance BS5837:2012 and construction shall follow the following guidance: (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. The means of tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land; (b) No fires shall be lit within the spread of branches of the trees and other vegetation; (c) No materials or equipment shall be stored within the spread of the branches of the trees and other vegetation; (d) No buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees and other vegetation; (e) No pruning of the existing trees or the spread of the branches shall take place, except as may be otherwise agreed in writing by the Local Planning Authority.

To protect the existing trees and the visual amenity of the area in accordance with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 10) Prior to the occupation of the dwelling a scheme to show the provision of electric vehicle charging point, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

Informative

The granting of any planning application does not override current wildlife legislation.

56. 18/02964/FUL - 3 Bull Cottages, Church Road, Brasted, Kent TN16 1HY

The proposal sought planning permission for the removal of an existing garden building and the erection of a new detached house including access and relocation of an existing garden shed.

The application had been referred to the Development Control Committee by Councillor Firth due to concerns that the proposal failed to preserve the character and appearance of the Brasted High Street Conservation Area and failed properly to assess the adverse effects of increased parking along that particular stretch of Church Road during evening and weekends bearing in mind that Church Road was also the emergency access to the A25.

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

The committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Emma Gregson
Parish Representatives:	Cllr Rogowska
Local Members:	Cllr Firth

Members asked questions of clarification from speakers and Officers. The agent for the applicant explained that the plan for the previously refused application and current plan were the same apart from foundation alterations which aimed to preserve the trees on site. The Parish Council was not aware of any instances where emergency vehicles were unable to drive down Church Lane however some difficulty had been reported on the A52 relating to vehicles trying to turn into the road.

It was moved by the Chairman and duly seconded that the recommendation within the report to grant planning permission be approved as amended by the late observations.

The motion to grant planning permission was put to the vote and it was

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

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

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

- 2) The materials to be used in the construction of the development shall be those indicated on the application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 3) Prior to occupation of the dwelling, details for the provision of facilities for the safe charging of electric vehicles and an implementation timetable for the installation of the unit shall be submitted to and approved in writing by the local planning authority. The facilities shall be installed in accordance with the details so approved and be retained, maintained thereafter and be available for use at all times.

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

- 4) The windows on the north facing and south facing elevations shall be obscure glazed to level 3 and non-opening at all times unless the windows are more than 1.7m above the floor of the room in which the windows are located and shall be retained and maintained thereafter.

To protect the amenities of the neighbouring property Rose Cottage as supported by policy EN2 of the ADMP.

- 5) Prior to works commencing the detailed foundation design shall be submitted to and approved in writing to the Local Authority. The foundations shall be carried out in accordance with the approved details.

To ensure protection of the adjacent trees as supported by policy EN1 of the ADMP.

- 6) The tree protection strategies shall be carried out as set out within the submitted Arboricultural Method Statement dated 10th January 2018.

To ensure protection of the adjacent trees as supported by policy EN1 of the ADMP.

- 7) Prior to first occupation, the access and parking areas shown on the approved plan BCOT/4A shall be formed and brought into use and shall be retained for this purpose thereafter.

To ensure adequate parking provision is provided as supported by policy EN1 and T2 of the ADMP.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 or Class A of part 2 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority other than the relocation of the shed hereby permitted as shown on plan BCOT/4A.

To prevent inappropriate development in the Green Belt as supported by Government guidance in the form of National Planning Policy.

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans and details: BCOT/1A, 2A, 3, 4A

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

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

In order to safeguard any remaining archaeological interest on the site in accordance with policies EN25 of the Sevenoaks District Local Plan.

THE MEETING WAS CONCLUDED AT 8.05 PM

CHAIRMAN

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4.1 18/03097/FUL

Date expired 30 November 2018

Proposal: Erection of detached dwelling with integral garage.

Location: Land Rear Of 31 Serpentine Road, Sevenoaks TN13 3XR

Ward: Sevenoaks Eastern

Item for decision

Councillor Purves referred the application to Development Control Committee with regard to the potential impact to neighbouring amenity which may conflict with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: COB/17/861/01A, COB/17/861/02B, JB09/03/cl.

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

3) The proposed materials shall be those stipulated on the approved application form, plan /17/861/02B and those approved under the discharge of condition application 19/00075/DETAIL.

To ensure that the appearance of the development preserves the existing character of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) Prior to the occupation of the dwelling full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include:-hard landscaping plans (identifying hard standing proposed to be retained and proposed new hard standing);-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The development shall be carried out in accordance with the approved details.

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

5) If within a period of five years from the completion of the development, any

of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

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

6) The vehicle parking and turning area shown on the approved plan drawing number COB/17/861/02B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the vehicle parking and turning area.

To ensure a permanent retention of vehicle parking and turning for the property as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) The first floor windows in the western rear elevation of the approved dwelling, proposed to serve a bathroom and shower room, shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level. The ground floor window along the western rear elevation to serve the shower room shall be obscure glazed at all times. The proposed first floor window on the southern elevation to serve the dressing room shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level. The proposed first floor window along the eastern elevation to serve the games room shall be obscure glazed and non openable at all times, unless above 1.7m above the internal floor level.

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

8) The finished floor levels and changes to the ground levels shall be carried out in accordance with the approved drawing COB/17/861/01A.

To protect the amenities of the area as supported by EN2 of the Sevenoaks Allocations and Development Management Plan.

9) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of Schedule 2, Part 1, Classes A, B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended).

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting

solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of proposal

- 1 Erection of detached dwelling with integral garage.
- 2 The proposed dwelling would have an overall height of approximately 6.8m, a width of 22.8m and an overall depth of 12.9m. The dwelling has along linear form and is in the style of a chalet bungalow with gables and dormers. The dwelling would be orientated facing east.
- 3 The proposal is a re-submission of a previously approved application 17/02785/FUL. The scheme is larger in footprint and would include an extended gable along the northern boundary, and would be sited closer to the western boundary by approximately 1m and 2m closer to the southern boundary.

Description of Site

- 4 The application site is located to the east of Serpentine Road and to the rear of 31 Serpentine Road. The site is accessed by an existing driveway along the northern boundary. The northern boundary runs adjacent to the rear boundaries of a number of dwellings along Serpentine Court. The plot previously housed an annexe to the main dwelling, which has been removed. The main dwelling sits within an Area of Archaeological Potential, the location of the proposed dwelling would sit outside of this constraint.

Constraints

- 5 Area of Archaeological Potential - AAP (located across part of the access road and the dwelling 31 Serpentine Road).

Policies

- 6 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or

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- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

7 Core Strategy (CS)

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

8 Allocations and Development Management (ADMP)

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

9 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Sevenoaks Residential Character Area Assessment (SPD)

Planning History

10	09/01132/FUL	Demolition of existing dwelling and erection of a four-bed Chalet style dwelling. Boundary line amended and internal layout of ground floor altered, plans received 30.06.2009.	GRANT	18/09/2009
	10/02793/FUL	Proposed development at land to the rear of 31 Serpentine Road forming new 4 bed detached residential dwelling.	REFUSE	26/04/2012
	12/02378/LDCEX	Implementation of planning application 09/01132/FUL - Demolition of existing annex building and erection of a detached, 2 x storey 4 x bedroom chalet style dwelling with double garage.	GRANT	15/10/2012
	17/02785/FUL	Erection of detached dwelling with integral garage.	GRANT	03/11/2017
	18/03702/DETAIL	Details pursuant to condition 4 (full details of hard and soft landscaping works) of planning permission: 17/02785/FUL.	GRANT	11/01/2019

19/00075/DETAIL	Details pursuant to condition 3 (details of the materials to be used in the construction of the external surfaces of the dwelling) of planning permission: 17/02785/FUL.	GRANT	11/01/2019
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Consultations

Sevenoaks Town Council:

- 11 Sevenoaks Town Council recommended approval, subject to the Planning Officer being satisfied that there will be no loss of amenity to neighbouring properties though overlooking, and a condition requiring that all the first floor rear-facing windows are of high obscurity, fixed glazing’.

South East Water:

- 12 No response

Thames Water:

- 13 No response

KCC Highways:

- 14 Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Representations

- 15 We received 5 letters of objection relating to the following issues:
- Inconsistencies on the landscaping plan roof plan and the submitted drawings - should be clarified,
 - Covering letter submitted minimises the changes and the proposals impacts on the surrounding residents (especially Serpentine Court),
 - Application increases the scale from that of the approved dwelling under application 17/02785/FUL,
 - Application 10/02793/FUL was refused and dismissed at appeal for a larger dwelling in comparison to that approved under application 09/01132/FUL,
 - Proposed dwelling would be located in closer proximity to the boundary to the properties on Serpentine Court,
 - Increase in scale and removal of tree boundary will result in a loss of amenity,
 - Window on the extended gable would increase the opportunity for overlooking and loss of privacy significantly,

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- Games room would be a habitable space and could be occupied separately from the main dwelling due to separate staircases,
- No ground level information provided,
- Development fails to comply with the NPPF and Development Management policies in relation to EN1 and EN2,
- Suggested conditions:
 - Withdrawal of permitted development rights, comprehensive landscaping scheme before occupation,
 - Repositioning of driveway,
 - Slab levels to be submitted,
 - Garage should not be sold separately.
- Procedural issues with regard to property consultation,
- Proposed dwelling would be significantly larger due to increased size of windows and platform level,
- Removal of trees along boundary,
- Overbearing nature of the proposed dwelling,
- Loss of privacy and daylight.

Chief Planning Officer's appraisal

16 The main planning considerations are:

- Principle of development
- Impact to the design and character of the area,
- Impact to neighbouring amenity,
- Parking and Highways,
- Other

Principle of development

- 17 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas' can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 18 Para 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 19 The principal of residential development has been established under application 17/02785/FUL and other previously granted applications. This application could be implemented as all prior to commencement conditions have been discharged. Since the decision on application 17/02785/FUL, the National Planning Policy Framework (NPPF) has been revised. However, the NPPF still places an emphasis on optimising land for development.

- 20 Policy L01 and L02 of the Core Strategy seek to focus development within the confines of existing settlements. Sevenoaks is identified as a location for development of a scale and nature consistent with the needs of the town and surrounding rural area. Policy L02 specifically seeks to protect the setting and character of the urban area and local environment.
- 21 The proposed unit would be sited in an existing residential area and in close proximity to existing services. The proposal would contribute to the local housing need and would optimise the land use. In addition, the principal as highlighted has already been established.
- 22 Subject to the impact on the character of the area and neighbouring amenity, which will be assessed below, the principle of development on this site is acceptable.

Design and impact on the character of the area

- 23 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 24 The application site is located in the Bayham Road Residential Character Area. The Sevenoaks Residential Character Area Assessment states that when proposing new development in the area the development should:

‘Regular building lines to the street should be respected. The harmonious palette of ragstone, yellow and redbrick or white render and original slate roofs should be respected. The rhythm of repeated gable ends, window and door openings and chimneys prevalent in some streets should be retained’.
- 25 Serpentine Road has a varied character with regard to form, layout and architectural style. The properties do tend to front the road and feature pitched roofs. The materials vary with brick, render, tile hanging and timber detailing.
- 26 The proposed dwelling would be set back from the road in excess of 65m from the street scene, and would not be widely visible from Serpentine Road. The property would be visible from neighbouring dwellings perspective.
- 27 The proposed dwelling would have a simple form and layout with a chalet appearance. The use of gables, pitched roof and dormers reduce the overall scale of the dwelling breaking up the bulk and massing. The use of such features as a pitched roof and gable would be in keeping with other features found along Serpentine Road. The use of render and slate would be similar to a pallet of materials in surrounding area.
- 28 The scale of the dwelling would be larger than that previously approved under application 17/02785/FUL. However, the scale and massing would still be considered appropriate and the form and character of the proposed unit would be maintained and would not harm the visual amenity of the local area.

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- 29 In 2010, application 10/02793/FUL was subject to judicial review and the decision was quashed. This was primarily concerned with the assessment of 'previously developed land'. The application was then re-assessed and subsequently refused and this refusal was upheld at appeal. One of the grounds of refusal was in relation to the design, bulk and layout of the proposed dwelling.
- 30 The proposed dwelling differs from the 2010 scheme in design, siting and bulk. The proposed dwelling under the 2010 application was orientated across the depth of the site. In addition, its bulk as a result of the large roof was substantively different from that currently proposed. The proposed dwelling in this instance is more similar to the approved 2009 scheme in design.
- 31 The proposed dwelling would have an acceptable bulk and massing due to its siting and the overall scale of the proposed building. Given the difference between the 2010 scheme and the proposed dwelling, the dismissed appeal is given limited weight in consideration and therefore has limited weight.
- 32 Overall, the development would be found compliant with policy EN1 of the ADMP.

Neighbouring Amenity

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.

1,2, 3 Serpentine Court:

- 34 The access to the proposed dwelling would run to the rear of 1,2, and 3 Serpentine Court. The proposal is for a single unit and the access already exists. As the access can be used, the proposal is for a single unit and the area is already associated with residential accesses the number of vehicle movements would not be so significant as to cause undue noise, vibration or odour to these dwellings.
- 35 The proposed unit would be at a sufficient distance and orientation that it would not result in a significant loss of light, outlook or privacy.

5 Serpentine Court:

- 36 5 Serpentine Court is located to the north of the site and is a detached dwelling. The proposed unit's northern side elevation would face towards 5 Serpentine Court. No windows or openings would be located in the northern elevation facing directly towards 5 Serpentine Court.
- 37 A 45° outlook test was conducted on the windows to serve the games room and shower room. The test indicated that the proposed windows would not overlook 5 Serpentine Court. The orientation of these windows would prevent any extensive view to this dwelling and its rear private amenity space due to the very oblique angle. Therefore no loss of privacy would occur.

- 38 The rear of 5 Serpentine Court faces south and receives sunlight throughout the day to the southern elevation. The proposed dwelling would be located 13.4m from 5 Serpentine Court. Due to the distance and scale of the proposed unit, no loss of sunlight or daylight would occur to habitable rooms of 5 Serpentine Road or its private amenity space.
- 39 The proposed unit would be located at a sufficient distance that a significant visual intrusion to neighbouring outlook would not occur. The proposed unit would increase in width by approximately 2.8m along the northern elevation in comparison with that previously approved application 17/02785/FUL. However, the overall height of the proposal would be the same as previously approved. 5 Serpentine Court has a number of openings along its elevations and therefore would not be considered to suffer a significant loss to outlook.

4 Serpentine Court:

- 40 4 Serpentine Court is located to the north east of the site and is a detached two-storey dwelling. The proposed dwelling would not directly align with 4 Serpentine Court. Due to the proposed orientation between the dwellings and the distance, that would spare the proposed unit with 4 Serpentine Court a significant loss of background and sun light or outlook would not occur.
- 41 The proposed development would include an altered gable along the northern flank of the proposed in comparison with the application previously approved under 17/02785/FUL. This has allowed a larger window to serve a games room at first floor. A 45° outlook test was conducted and would clip the north eastern corner of the 5m rear amenity space of 4 Serpentine Court. The distance between the proposed northern gable and the 4 Serpentine Court elevation is approx. 17m. Given this window would have a view of the private amenity space and would serve a non-habitable room it would be reasonable to impose a condition to obscure glaze and fix shut this window. As such, subject to condition the proposal would not result in a significant loss of privacy.

76 - 79 Kennedy Gardens:

- 42 76 - 79 Kennedy Gardens are located to the west of the site, the rear gardens of these properties adjoin the rear of the site.
- 43 The proposed windows located along the ground floor would serve a kitchen, shower room and bedroom. The proposed ground floor
- 44 At first floor, the proposed windows would serve a bathroom and shower room and would have a view to the rear gardens of the properties in Kennedy Gardens. As these windows would serve non-habitable spaces, they could be obscure glazed and fixed shut above 1.7m from finished floor level. The proposal would therefore not result in a significant loss of privacy, subject to condition.
- 45 The proposed dwelling would be located closer to the western boundary in comparison with the previously approved application under 17/02785/FUL.

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However, an approximate distance of between 17 - 19m would still be maintained between these dwellings and therefore would not result in a significant loss of outlook.

- 46 The side elevation and side gardens of the dwellings along Kennedy Gardens receive light in the morning from the east and during the afternoon from the south. The rear gardens may receive some shadowing. However given the distance between the proposed unit and the dwellings a significant loss of light would not occur.

Proposed dwelling:

- 47 The proposed dwelling would have sufficient openings for outlook and for light admittance into the dwelling. The property would have sufficient amenity space for a family size dwelling.
- 48 Other dwellings are located at a sufficient distance that a significant loss of amenity would not occur. The proposed development is considered to comply with policy EN2 of the ADMP.

Parking and Highways Impact

- 49 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 4 or more bedrooms require 2 parking spaces.
- 50 The site would have sufficient parking space for 2 vehicles and a turning area to allow vehicle to exit the site in forward gear. The site would also have space for the storage of refuse.
- 51 The development would utilise the existing access on Serpentine Road, which currently exists and could be utilise in connection with the approved application 17/02785/FUL.
- 52 The proposed parking and access arrangements would be considered acceptable. The proposal would be considered to comply with policy T2 and EN1 of the ADMP.

Trees and Landscaping

- 53 The landscaping plan submitted does demonstrate the previously approved roofline. The drawing would not form one of the approved plans of the application. However, this landscaping plan was approved for the application 17/02785/FUL and was subject to review by the SDC Tree Officer. Third party comments have highlighted some trees on site have been removed. A further landscaping plan would be requested by condition to ensure sufficient planting, given the scale of the building has been increased.

Other

Procedural matters:

- 54 As part of the initial consultation, a number of neighbouring dwellings where selected for notification of the proposal. Unfortunately, while the letters were printed they were not dispatched. After notification from neighbours that they had not received letters, new letters where printed with a revised (extended) consultation deadline date. A sit notice was not required as the site is not within a Conservation Area and is not within the curtilage of a Listed Building, and neighbouring properties have been formally notified by letter.

Separation of dwelling into two units:

- 55 Should at any point the dwelling be subdivided into two separate planning units it would require planning permission in its own right. A condition would be applied to ensure that the games room is ancillary to the main accommodation.

Slab Levels:

- 56 Third party comments have raised concerns with regard to the slab level and thus the high of the dwelling. The applicant has provided land levels, finish floor levels and ridge height. The finish floor level would be 55.51 and the ridge height 60.85. This is the same as that previously approved under application 17/02785/FUL.
- 57 The proposed ground levels surround the dwelling would be 54.54, whilst the existing ground levels vary from 54.63 - 54.30. The proposed levels are the same as previously approved under application 17/02785/FUL. In addition, the proposed height of the dwelling would be approximately the same as that approved under the 2009 application, 09/01132/FUL and the 2017, 17/02785/FUL.

Conclusion

- 58 The proposed dwelling would be acceptable with regard to design, siting and scale. Subject to condition, the proposed development would not result in a significant loss of amenity to neighbouring properties. The proposal would have sufficient access and parking provision. The proposal would be policy compliant.

Recommendation

- 59 It is therefore recommended that this application is granted.

Background Papers

Site and Block Plan

Contact Officer:

Emma Gore Extension: 7206

Richard Morris

Chief Planning Officer

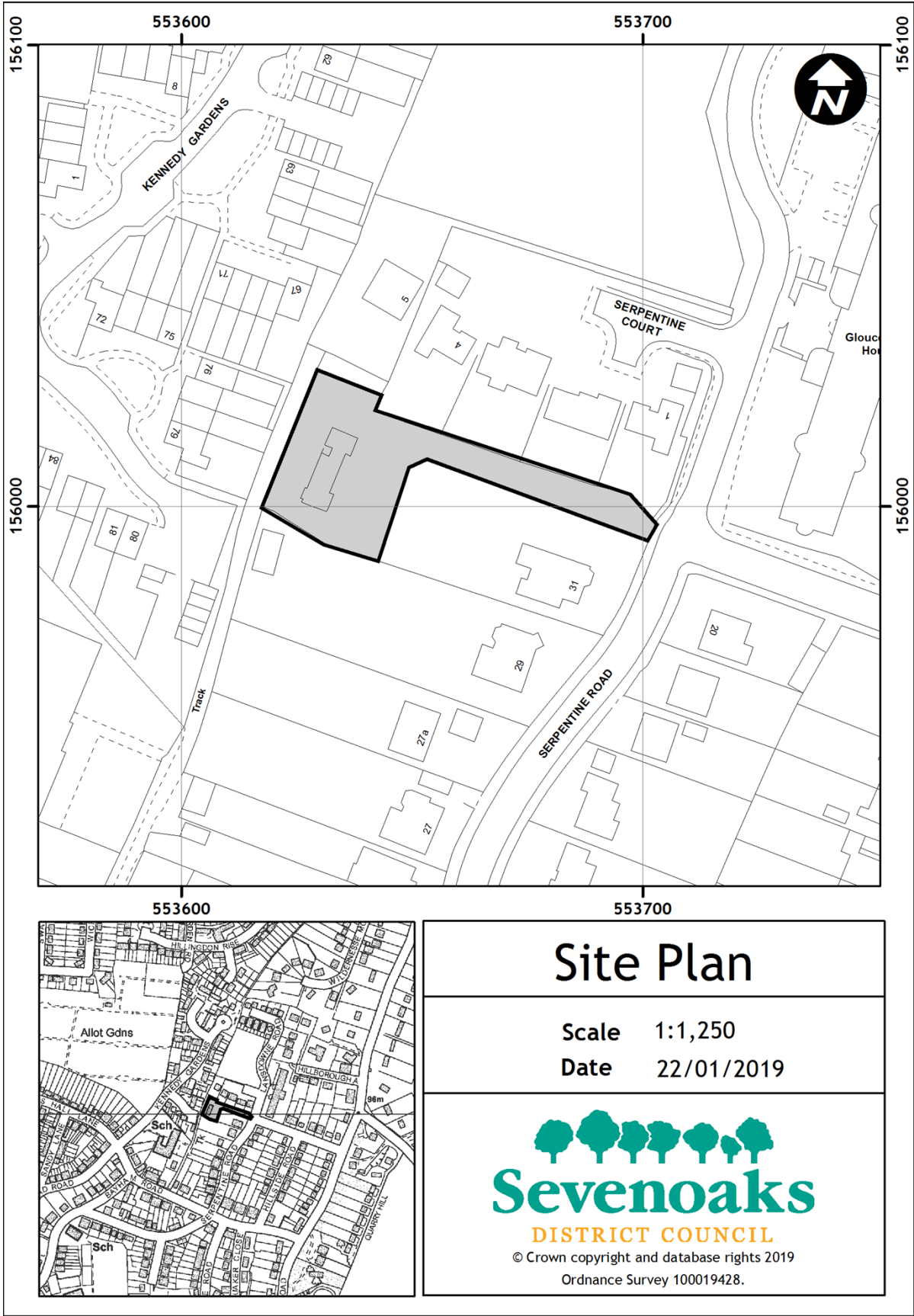
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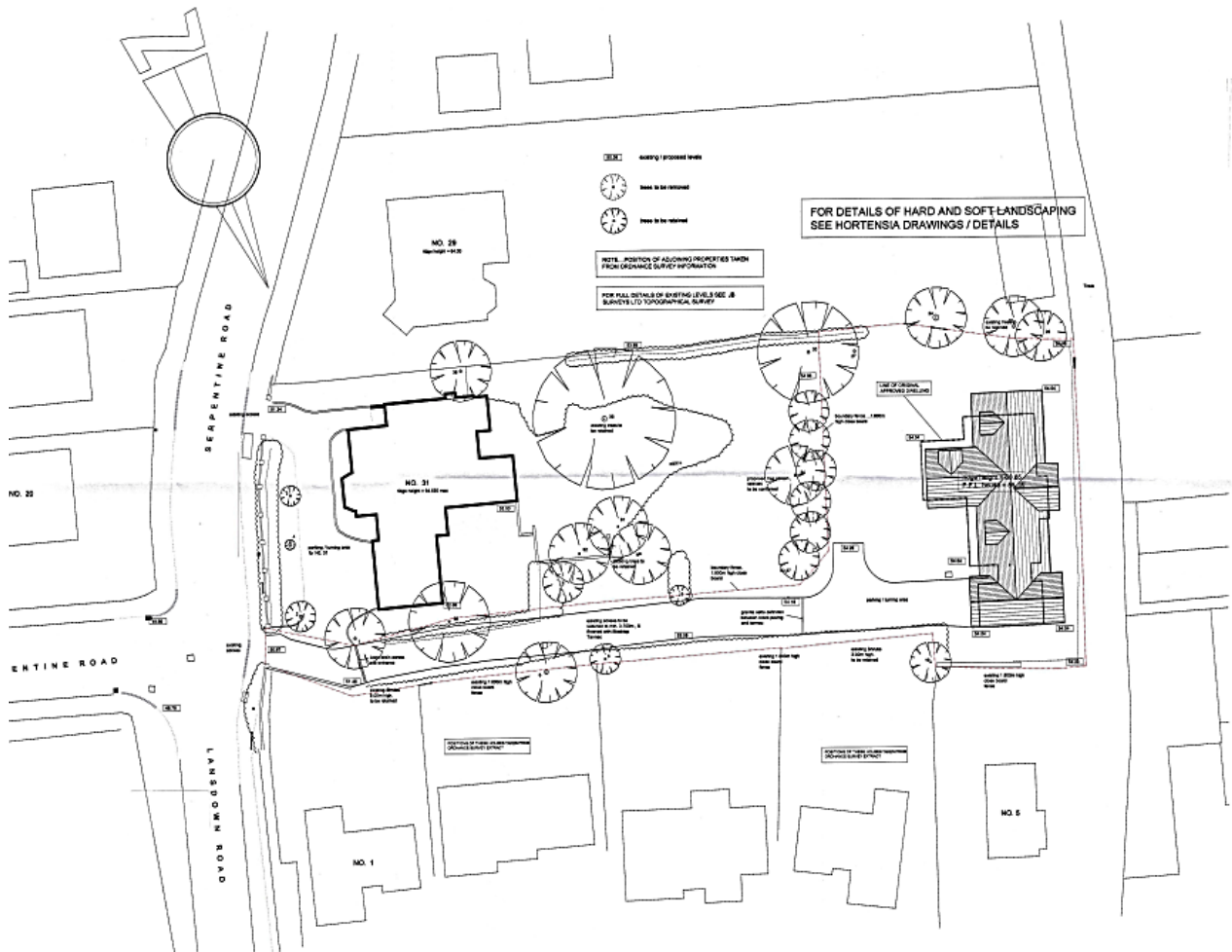
Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PG4EW9BK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PG4EW9BK0L000>





4.2 18/03462/FUL

Revised expiry date 12 February 2019

Proposal: Construction of detached three bedroom dwelling incorporating garage, access and off street parking.

Location: Land Rear Of 2 Uplands Close, Riverhead TN13 3BP

Ward: Dunton Green & Riverhead

Item for decision

The application has been referred to Development Control Committee by Councillor Bayley due to the proposed scale and bulk of the dwelling which would be overbearing and out of keeping with the character of the area and therefore contrary with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: LR/622/BP01, LR/622/01 A, LR/622/SP01.

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

3) Prior to reaching damp proof coursing details of materials to be used in the construction of the dwelling shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved plans.

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

4) 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:- hard landscaping plans (identifying proposed areas of hardstanding and details of finish);- planting plans (identifying existing planting, plants to be retained and new planting);- a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and- a programme of implementation including any necessary protection measures during construction. The development shall be carried out in accordance with the approved details.

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

- 5) The proposed window along the rear elevation at second floor serving the en-suite on the north eastern corner of the gable shall be obscure glazed and fixed shut at all times unless the opening parts of the window are above 1.7m from finished floor level.

In the interest of preserving neighbouring amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

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

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

- 7) Notwithstanding approved plan LR/622/SP01, prior to the occupation of the approved development the vehicular visibility splays of 2.4mx 44.8mx 44.6m at the access shall be provided with no obstructions over 0.9m above carriageway level. The splays shall be maintained thereafter.

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

- 8) Prior to the occupation of the approved development 2.0m x 2.0m pedestrian visibility splays shall be provided and maintained thereafter with no obstructions over 0.6 metres above the footway level within the splays.

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

- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The 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) wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

- 10) No development shall take place until full details of the surface water drainage systems have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

To meet sustainability and environmental objectives and in the interest of highways safety.

11) The parking and turning area shown on plan LR/622/SP01 shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking and turning area.

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

Informatives

1) 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.

2) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

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

- * A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);
- * The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

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

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Background

- 1 A dwelling in this location has been previously approved under applications 16/00981/OUT and 17/04052/FUL, albeit the 16/00981/OUT application was refused at Development Control Committee but subsequently allowed at appeal.

Description of Proposal

- 2 Construction of detached three bedroom dwelling incorporating garage, access and off street parking.

Description of Site

- 3 The application site is located to the rear of Uplands Close but fronts London Road. The land levels slope down from Uplands Way towards Uplands Close to London Road to the southwest. The land has been partially cleared and some earth works have been undertaken.

Constraints

- 4 Source Protection Zone.

Policies

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 6 Core Strategy (CS)

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

- 7 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection

- T2 Vehicle Parking

8 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Sevenoaks Residential Character Area Assessment SPD.

Planning History

- 9 16/00981/OUT - Outline application for the erection of a detached four bedroom dwelling, new access and off street parking with some matters reserved - REFUSED - ALLOWED AT APPEAL.
- 10 17/04052/FUL - Construction of detached four bedroom dwelling incorporating integral garage, new access and off street parking - GRANTED.

Consultations

Riverhead Parish Council:

- 11 '1. There are discrepancies on the vehicle access sight lines between the drawing LR/622/SP01 and drawing 1711068-SK01 (on which previous planning permission granted). This changes the line of sight when exiting the plot.
2. The proposed changes to the rear will be overbearing, overlooking a number of properties.
3. First floor - laundry door and en-suite window overlooks adjoining neighbours due to the elevation of this floor.
4. The changes to the original proposal present a bulkier appearance, higher ridge level at roof height and overall an overbearing size compared to the neighbouring properties'.

Sevenoaks Town Council:

- 12 'Sevenoaks Town Council recommended approval subject to the Planning Officer being satisfied that hard landscaping will be adequately permeable to prevent water run-off. The Council noted that there was a significant amount of hard landscaping proposed'.

SDC Tree Officer:

- 13 'No comment'.

KCC Highways:

- 14 Further to my previous comments dated 28 November 2018, further comments have been requested due to the access to the proposed dwelling being located on the A224 London Road.
- 15 A previous application 16/00981/OUT was refused at Development Control Committee, and subsequently allowed at appeal. As part of this application, an Automatic Traffic Count (ATC) was undertaken along

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London Road in June 2016. The 85th percentile speeds were established at 30.9mph eastbound and 30.8mph westbound. As such visibility splays of 2.4 metres x 44.8 metres eastbound, and 2.4 metres x 44.6 metres westbound were demonstrated.

- 16 A subsequent planning application (17/04052/FUL) was very similar to the previous outline application (16/00981/OUT), and as such no objection was raised by KCC HT&W. The application was approved, subject to conditions, including visibility splays.
- 17 The current planning application (18/03462/FUL) has submitted visibility splays shown on plan LR/622/SP01, which are indicated differently to those on plans 1711068-SK01/A as part of the approved scheme (17/04052/FUL).
- 18 Previously approved plans (1711068-SK01/A) were considered acceptable as they comply with the relevant visibility standards of approximately 45 metres in both directions. It is accepted that vehicles travelling to the west are unlikely to travel on the opposite carriageway due to the proximity of the traffic island and pedestrian crossing. The visibility splay in this direction were measured to the centre line and deemed acceptable. The current plans show sight lines measured to the rear of the footway to the west, and towards the middle of the carriageway to the east.
- 19 The 'x' distance of 2.4 metres is usually required as this represents a reasonable maximum distance between the front of the car and the drivers eye. The 'y' distance represents the distance that a driver exiting from the minor arm can see in either direction along the main alignment. This is measured along the nearside kerb line of the main arm.
- 20 The submitted plans do not show sufficient visibility splays due to the incorrect drawing of the 'y' distance. Therefore, while visibility splays have been deemed acceptable in previous applications, I am unable to accept the current plans. The plans are annotated to state 'dotted line denotes sight lines as previously approved', which is incorrect.
- 21 The plans indicate that the building footprint has been amended slightly. No parking is indicated on the supplied plans. However, my scale measuring indicates that there is sufficient parking space for two cars to the east of the entrance, and adequate space for turning to ensure vehicles enter and egress in a forward gear.
- 22 In line with my above comments, I do not object to the proposal on behalf of the local highway authority. Given the previous approvals and minimal changes, I would not be able to uphold any objection. The submitted visibility splay drawings are shown incorrectly. As such, should the LPA be minded to approve the application, I suggest the following conditions:
 - Provision and maintenance of 2.4 metres x 44.8 metres x 44.6 metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to use of the site commencing.

- Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- The area shown on the submitted drawings for parking and turning shall remain unobstructed by other uses.

Representations

23 We received 3 letters of objection relating to the following issues:

- Highways safety implications for future residents,
- Address of property,
- New design and siting significantly more overbearing,
- New angled windows provided enhanced overlooking,
- Ridgeline higher,
- Could be turned into a 5 bedroom dwelling,
- Additional traffic survey should be conducted due to opening of Lidl store,
- The visibility splays are different from those previously submitted,
- Doors and windows should be frosted.

Chief Planning Officer's Appraisal

Principle of development

- 24 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land, from being developed for residential use, provided such development is in suitable locations and relates well to its surroundings. Residential gardens outside built up areas' can be previously developed land. Land in built up areas such as private residential gardens is excluded from the definition of previously developed land (Annex 2 NPPF).
- 25 Para 122 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 26 The principal of development has been established under application 16/00981/OUT and 17/04052/FUL. These applications were granted prior to the revisions to the NPPF in 2018. However, the revised NPPF still places an emphasis on optimising land for development.
- 27 The local policy considerations have not materially changed since the previously approved plans. Policy LO2 of the Core Strategy seeks to protect the setting of the urban area and the distinctive character of the local environment. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.

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- 28 The development would be located in an existing residential area connected with good services and transport links. The scheme would optimise the use of land and contribute to the housing need within the district. Subject to other policy considerations to be reviewed later in the report the principle of development on the site to be acceptable.

Design and impact on the character of the area

- 29 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 30 The application site is located to the rear of Uplands Close. The Sevenoaks Residential Character Area assessment identifies Uplands Close as having a: 'quite, enclosed residential character'. However, due to the sites access arrangement the proposed unit would have a closer relationship with London Road.
- 31 This section of London Road sits within the Montreal Park Area of the Sevenoaks Residential Character Area Assessment. The section of road is described as having grassed areas fronting London Road. The character of the road is verdant in nature but does not have a set characteristic as the dwellings tend to be set back from the roadside.
- 32 The principle of a three-storey dwelling sited in this location has already been established under applications 16/00981/OUT and 17/04052/FUL. The proposed dwelling would have a higher ridge height of 0.6m from that previously approved. The dwelling would not sit directly adjacent to other dwellings and would be located at a lower level to the dwellings along the rear of Uplands Close. The increase in ridge height would not significantly alter the relationship with properties in the surrounding area.
- 33 The proposed dwelling would be sited relatively centrally within the plot. The dwelling would allow sufficient space surrounding the dwelling and provide amenity and parking space. The proposed dwelling would therefore sit comfortably and would not appear overbearing. The proposal would have a similar width to that previously approved and only slight increase in depth as a result of the projecting bay. The proposed bulk, scale and massing would be considered appropriate.
- 34 The proposed dwelling would be sited approximately 2.9m further back and closer to the northern boundary at ground floor than that previously approved under application 17/04052/FUL. At first and second floor the development would be 1.1m closer to the boundary, with the projecting bay located 3m closer to the boundary than previously approved. The dwelling would still have a sufficient separation between the proposed unit and neighbouring properties.
- 35 The proposed dwelling would have a Georgian style frontage. The proposed dwelling would include a projecting bay, pitched roof and a linear form. The proposed unit would have a formal appearance akin to that of a town house. While this differs from the more traditional suburban appearance of the dwellings along Uplands Close, the overall form and design would be

acceptable given its isolated context. The proposed dwelling would still be seen against the context of the existing dwellings to rear along Uplands Close. The proposal would therefore not be out of character with the local area, which has a mix of architectural styles.

- 36 Materials and further details of landscaping could be required via condition, upon any approval, to secure the character and verdant appearance of the area.
- 37 The proposal is considered to comply with policy EN1 of the ADMP.

Neighbouring Amenity

- 38 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 39 The proposed dwelling would be sited approximately 17m from 1 Uplands Close to the north east. The unit would be located approx. 30m from 6 Uplands Close. The rear elevations of the dwellings along Uplands Close receive direct sunlight from the south. Due to the distance and the sun's trajectory no loss of sunlight or background daylight would occur.
- 40 The proposed dwelling would have three stories and would be located at a lower level to that of the dwellings along Uplands Close. Due to the level changes and the distance between the proposed unit and the existing dwelling, no significant visual intrusion to neighbouring occupiers would occur.
- 41 The proposed dwelling would feature openings along the rear elevation of the three-storey dwelling. The proposed unit would be located in an existing residential area with an existing degree of overlooking from dwelling to dwelling. The current proposal would be located slightly closer to the neighbouring dwellings and have a revised floor plan compared to the approved scheme. There are no windows proposed in the side elevation facing towards 1 Uplands Close.
- 42 Due to the separation and land level changes between the proposed unit and the nearest neighbouring dwelling. The proposed ground and first floor openings would not result in any overlooking due to the level changes and separation.
- 43 At second floor, the windows along the rear elevation would serve non-habitable spaces including bathrooms and dressing rooms. Due to the orientation of the proposed unit and 1 Uplands Close the majority of the second floor windows would not directly overlook 1 Uplands Close due to the oblique angle. However, the one of the windows on the bay gable would allow a view across 1 Upland Close. It would be reasonable upon any grant of permission to condition that this window be obscure glazed and fixed shut up to 1.7m.
- 44 Other dwellings are located at a sufficient distance that a significant loss of privacy would not occur. The proposed development would not result in a significant loss of amenity to neighbouring occupiers.

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- 45 The proposal would comply with policy EN2 of the ADMP.

Parking and Highways Impact

- 46 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location with 3 bedrooms require 2 parking spaces.
- 47 The site would have sufficient space for the parking of two vehicles which is required number of spaces even if additional bedrooms were created. The site would also have sufficient refuse storage.
- 48 The proposal would require the creation of a vehicle access onto London Road which is an A road and a thoroughfare to the town centre. Third parties have provided information regarding traffic speeds exceeding the 30mph speed limit and highway safety. Such concerns have been address as part of the previous application 17/04052/FUL. A single dwelling in this location would not significantly increase traffic associated with London Road.
- 49 Kent County Council Highways team have commented on the application and confirmed the proposed visibility splays under this application do differ from those submitted under application 17/04052/FUL. The proposed plans are not considered to demonstrate sufficient visibility splays. However, KCC Highways do not object to the access given the previous approvals and the minor changes of this application.
- 50 The proposed development is considered acceptable, subject to condition and would be compliant with highways policy.

Trees and Landscaping

- 51 The SDC Tree Officer has responded to the application and has no comments to make. The proposed rear garden would be mainly comprised of levels of patio with some planters. To ensure the verdant nature of the site condition could be imposed to secure landscaping to the front and rear of the site.

Community Infrastructure Levy (CIL)

- 52 This proposal is CIL liable and there is an application for exemption that is considered below.

ASSESSING CLAIMS FOR SELF BUILD EXEMPTION

A self build exemption is available to anyone who builds or commissions their own home for their own occupation providing the relevant criteria are met as set out in Sections 54A, 54B, 54C and 54D of the Community Infrastructure Levy Regulations 2010 (as amended).

The applicant has submitted a Self Build Exemption Claim Form: Part 1 and has confirmed all the declarations required.

The self build exemption for housing can only be claimed if the person making that claim has in accordance with Section 54B (2) (a) (ii) of the regulations: assumed liability to pay CIL in respect of the new dwelling, whether or not they have also assumed liability to pay CIL in respect of other development.

The applicant is claiming exemption for a self build dwelling within the definition in Regulation 54A. A person is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing (or self-build communal development.)

Additional criteria for exemption (to clarify information on form)	Yes / No
<p>Has the development commenced?</p> <p><i>If the development has commenced, they cannot claim an exemption. Check building regulations records and CIL Events to confirm if any Commencement Notice received.</i></p>	<p>No</p> <p>(earth works on site have started but not specifically in regard to this application).</p>
<p>Has the claimant for exemption assumed liability to pay CIL for the dwelling subject of the claim for exemption, with the submission of an Assumption of Liability form?</p> <p><i>If there is no Assumption of Liability Form, they cannot claim an exemption. Seek submission of one and if not received, refuse exemption.</i></p> <p><i>If the person assuming liability is not the same as the person making the exemption, refuse exemption.</i></p> <p><i>NOTE: that an exemption is granted for a person - so for forms relating to exemptions and assumption of liability these cannot be signed in the agent's name. (Regulation 54B (2) (a) (ii))</i></p>	<p>Yes</p>
<p>Is more than one person assuming liability to pay CIL?</p> <p><i>Make it clear whether the claim for exemption covers everybody who has assumed liability. Where more than one person has assumed liability to pay CIL in respect of the chargeable development, the person claiming an exemption must clearly identify the part of the development that the claim relates to.</i></p>	<p>No</p>

The applicant has confirmed the declarations for exemption on the form required and the additional criteria referred to in the above table are met. I am therefore satisfied that the applicant, Lisa Groom is exempt from CIL for planning application SE/18/03462/FUL.

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Informative -

1. Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site. Failure to do so will result in the CIL charge becoming payable in full.
2. Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:
 - A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);
 - The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

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

Recommendation - Grant exemption.

Other issues

Drainage/ Surface water run off:

- 53 The proposed rear garden would be comprised of several levels of terracing. The hard standing on site would therefore be comprehensive. It would be appropriate to condition any granted application to secure adequate drainage.

Address:

Matters relating to the address of a new unit are not a planning consideration.

Conclusion

- 54 The proposed dwelling would be in keeping with the character of the area and would not result in a significant loss of amenity. The proposal would have an adequate access arrangement and sufficient parking. The proposal would be policy compliant.

Recommendation

It is therefore recommended that this application is granted subject to condition.

Background Papers

Site and Block Plan

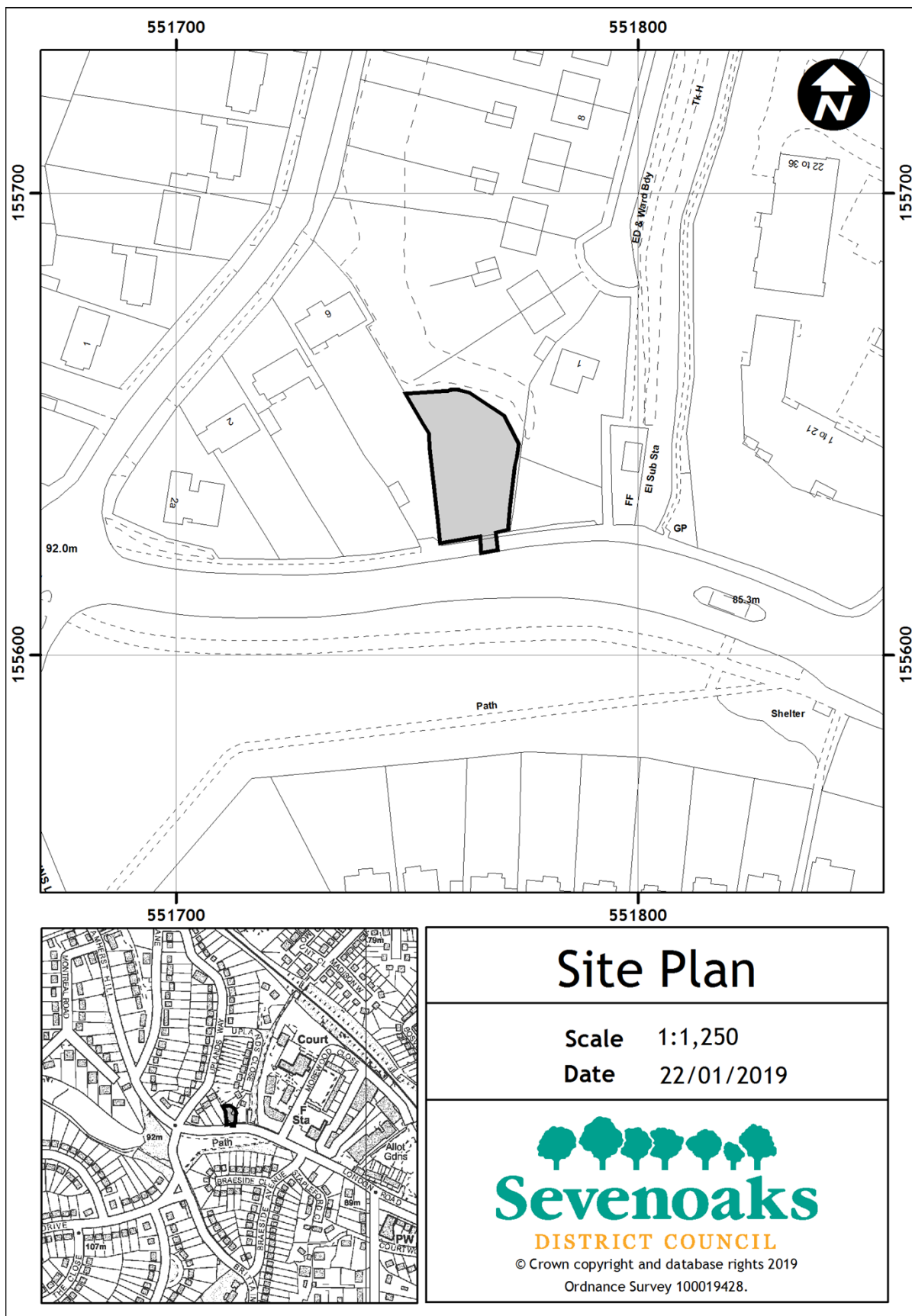
Contact Officer: Emma Gore Extension: 7206
Richard Morris
Chief Planning Officer

Link to application details:

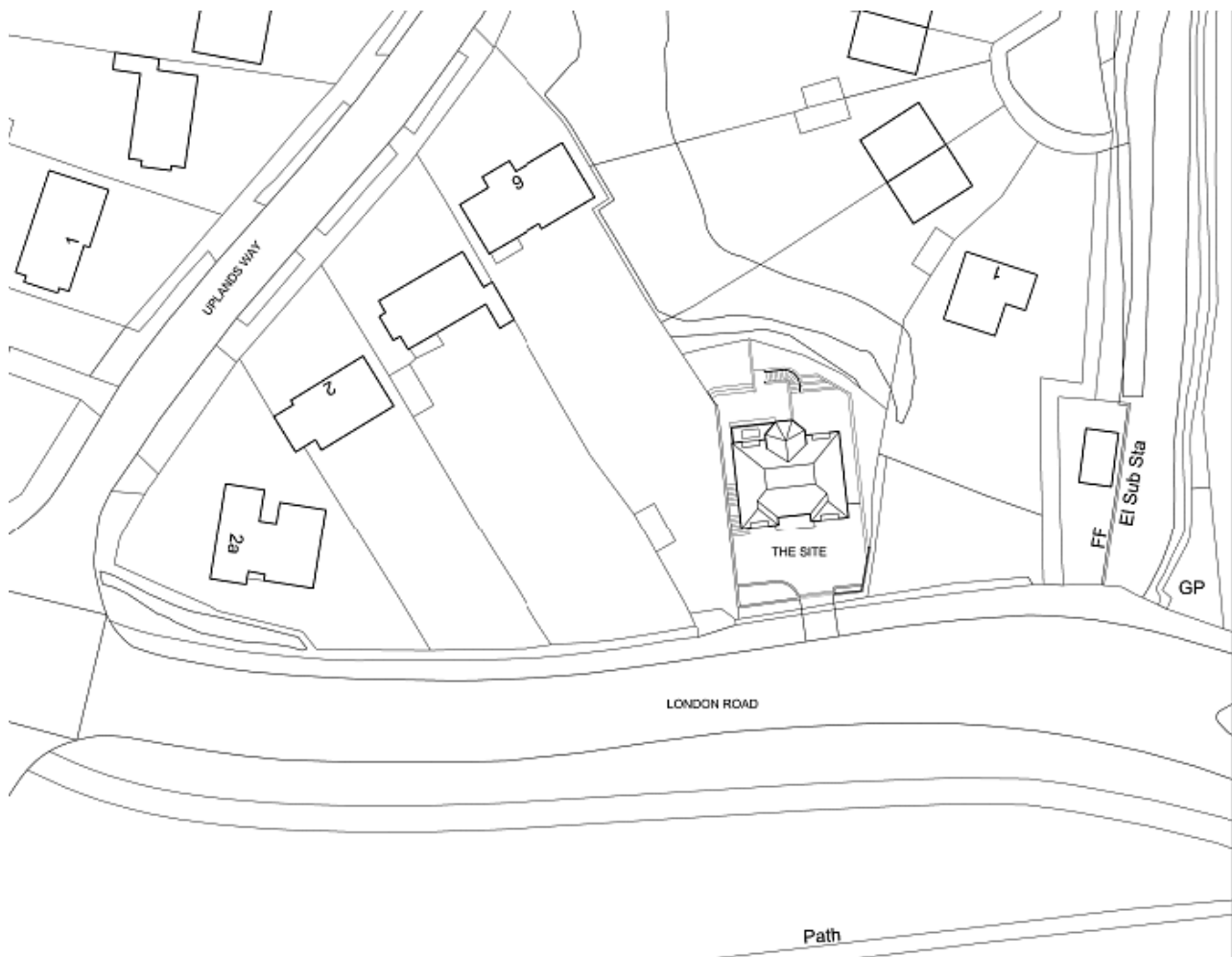
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHVWOCBKMZB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PHVWOCBKMZB00>



Proposed block plan



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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 7 February 2019

4.1 18/03097/FUL Land Rear of 31 Serpentine Road, Sevenoaks TN13 8XR

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PG4EW9BK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PG4EW9BK0LO00>

4.2 18/03462/FUL Land Rear of 2 Uplands Close, Riverhead, Kent TN13 3BP

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHVWOCBKMZB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PHVWOCBKMZB00>

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