

**10 March 2020 at 7.00 pm**

**Conference Room, Argyle Road, Sevenoaks  
Despatched: 02.03.20**



# **Development & Conservation Advisory Committee**

## **Membership:**

Chairman, Cllr. Hunter; Vice-Chairman, Cllr. Thornton  
Cllrs. Barnett, Cheeseman, Clayton, Penny Cole, P. Darrington, Fothergill,  
McGregor, Pett, Reay and Roy

## **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>	<b>Contact</b>
<b>Apologies for Absence</b>		
<b>1. Minutes</b> To agree the minutes of the meeting of the Advisory Committee held on 17 December 2019, as a correct record.	(Pages 1 - 4)	
<b>2. Declarations of interest</b> Any interests not already registered.		
<b>3. Actions from previous meeting</b>	(Pages 5 - 6)	
<b>4. Update from Portfolio Holder</b>		
<b>5. Referral from Cabinet or the Audit Committee (if any)</b>		
<b>6. Update on the Design and Conservation Team</b>	(Pages 7 - 10)	Rebecca Lamb Tel: 01732227334
<b>7. Use of Article 4 to restrict permitted development rights for a change of use from office to residential</b>	(Pages 11 - 18)	Hannah Gooden Tel: 01732 227178
<b>8. Local Plan Update</b>	(Pages 19 - 22)	James Gleave Tel: 01732227326
<b>9. Work plan</b>	(Pages 23 - 24)	

## **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.

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](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE**

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

Present: Cllr. Hunter (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Cheeseman, Clayton, Penny Cole, P. Darrington, Reay and Roy

Apologies for absence were received from Cllrs. Barnett, Fothergill, McGregor and Pett.

22. Minutes

Resolved: That the Minutes of the meeting of the Development and Conservation Advisory Committee held on 15 October 2019, be approved and signed by the Chairman as a correct record.

23. Declarations of interest

No additional declarations of interest were made.

24. Actions from previous meeting

There were none.

25. Update from Portfolio Holder

The Development & Conservation Portfolio Holder noted that the Local Plan Update was later on the agenda to update Members on the work going on there. She advised that Mustafa Hakki had filled the vacancy of committee and appeals administrator and Tom Fry was the new enforcement officer. The post of part time Conservation Officer was out to advert with interviews taking place mid-January 2020.

She further reported that Validation were hitting targets and had recently validated a number of expected large scale developments.

The enforcement team had handled around 1200 cases this year, and had had a number of successful prosecutions including Well Hill and the Convent of Mercy which had even featured in 'The Planner' as well as local press. Further improvements were underway as reported at the last meeting.

The Community Infrastructure Levy (CIL) Spending Board had recently met and Officers would be reviewing the procedures as part of the annual governance review.

**Agenda Item 1**  
**Development & Conservation Advisory Committee - 17 December 2019**

**26. Referral from Cabinet or the Audit Committee**

There were none.

**27. Presentation from the Urban Design Officer**

The Chairman welcomed the Design & Conservation Team Leader and Urban Design Officer. The Design & Conservation Team Leader advised that Amanda had joined as part of a [Public Practice](#) scheme, a professional placement programme which matched the council with ‘associates’ (private sector experienced built environment practitioners who wanted to work for the public good). Associates brought diverse skills and backgrounds to fixed-term placements. Amanda had been here since April 2019, was on a year placement, and she was pleased to advise that it had just been confirmed that the placement had been extended by a further year.

The Urban Design Officer gave a [presentation](#) on her work at the Council. She was supporting work planning documents and commenting on larger applications. She was also providing design training to planners on space, materials, context, character, site connectivity, and held surgeries at her desk every Wednesday morning. She was helping planners and applicants think more about layout and connectivity not just materials as well-designed places could be achieved by taking a proactive and collaborative approach at all stages of the planning process.

Members took the opportunity to ask questions and the Urban Design Officer handed out a pamphlet entitled '[Councillor’s Companion for Design in Planning](#).'

Resolved: That the content of the presentation be noted.

**28. Statement of Community Involvement**

The Planning Policy Team Leader presented the report which advised Members of the background to the production of a new Statement of Community Involvement (SCI).

The Committee asked for their thanks to be conveyed to the report author and applauded the SCI document and report as extremely reader friendly.

**Public Sector Equality Duty**

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that the Statement of Community Involvement in Planning be adopted.

**29. Local Plan Update**

The Strategic Planning Manager presented the report which provided an update on the Local Plan examination process, since the last meeting.

Members were advised that without an adopted Local Plan the National Planning Policy Framework (NPPF) still provided the Green Belt with protection. Members were advised that Neighbourhood Plans could still be progressed in the absence of an adopted plan but ran the risk of needing to change to conform with any future adopted plan. With regard to community planning documents such as Neighbourhood Plans, Parish Plans or Village Design Statements, these were not necessarily needed if communities were satisfied with what was contained in an adopted Local Plan. In response to questions the Planning Policy Team Leader advised that there was a Town & Parish Forum taking place on 21 January 2019, where advice would be given on Neighbourhood Plans and Village Design Statements, she could also signpost Members to a list of helpful website pages.

*Action 1: The Planning Policy Team Leader to provide the relevant links to the website on the different community planning documents.*

Resolved: That the report be noted.

30. Work plan

The work plan was noted with the following additions:

10 March 2020

Local Plan Update  
Conservation Design Update  
Adoption of Edenbridge Character Assessment

7 July 2020

Innovation Update  
Local Plan Update  
Aboriculture Update.

THE MEETING WAS CONCLUDED AT 8.29 PM

CHAIRMAN

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ACTIONS FROM THE MEETING HELD ON 17 DECEMBER 2019 (as at 18/12/19)			
Action	Description	Status	Contact Officer
Action 1	Minute 29 - The Planning Policy Team Leader to provide the relevant links to the website on the different community planning documents.	<p>Following information emailed to the Committee on 18 December 2019 -</p> <p>Link to Neighbourhood Planning pages:  <a href="https://www.sevenoaks.gov.uk/info/20069129/current_local_plan/269/neighbourhood_planning">https://www.sevenoaks.gov.uk/info/20069129/current_local_plan/269/neighbourhood_planning</a></p> <p>Guidance on the differences between Village Design Statements, Parish Plans and Neighbourhood Plans:  <a href="https://www.sevenoaks.gov.uk/downloads/file/812/village_design_statements_parishcommunity_plans_and_neighbourhood_plans">https://www.sevenoaks.gov.uk/downloads/file/812/village_design_statements_parishcommunity_plans_and_neighbourhood_plans</a></p>	Hannah Gooden Ext. 7168

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## UPDATE ON THE DESIGN AND CONSERVATION TEAM

### Development & Conservation Advisory Committee - 10 March 2020

Report of Chief Officer Planning and Regulatory Services

Status For consideration

Key Decision No

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**Portfolio Holder** Cllr. Julia Thornton

**Contact Officer** Rebecca Lamb, Ext. 7334

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#### **Recommendation to Development & Conservation Advisory Committee:**

To consider an update on the activities of the Design and Conservation Team

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**Reason for recommendation:** To provide a briefing for Members of the Development and Conservation Advisory Committee on the recent activities of the Design and Conservation function.

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#### **Introduction and Background**

- 1 The Design and Conservation Team support the provision of good quality professional advice relating to design and conservation matters for the Council. They are located within the Planning Services Department under the Strategic Planning Manager.
- 2 Last year the Team expanded from a Conservation Team into a Design and Conservation Team with the successful recruitment, via the Public Practice programme, of Amanda Gregor as an Urban Designer. Amanda was recruited on a one year contract which has now been extended for another year. Amanda joins a team of two part time Conservation Officers, an Assistant Conservation Officer and the Design and Conservation Team Leader.
- 3 Aside from providing specialist input into the development management process via commenting on planning applications and pre-applications the team also lead the development of Council policy on Design and the Historic Environment.

#### **Conservation Area Appraisal updates**

- 4 Legislation requires local planning authorities to keep their conservation area appraisals up to date, although does not specify a timeframe for this. It is important that the appraisals accurately reflects the character of the conservation area because they are Supplementary Planning Documents

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(SPDs) they are therefore a material consideration in the determination of planning applications.

- 5 In 2018 we began the process of reviewing some of the oldest appraisals and last year Cabinet adopted the updated Conservation Appraisals for Shoreham (including Mill Lane) Swanley Village, Leigh, Seal, and Brasted High Street.
- 6 Conservation Areas are selected for review based on the number of planning applications and the age of the appraisal. It is intended that the next round of Conservation Area Appraisal updates that will be carried out will be:
  - Farningham (2003)
  - Eynsford (2003)
  - Kemsing (2003)
- 7 It is also proposed that a new Conservation Area be designated in New Ash Green. A recent report by the Twentieth Century Society recommended that the original core be designated and this is in line with the conclusions of our own evidence based document for the Local Plan, the Historic Environment Review.

### Local List Article 4 Directions

- 8 Along with the Legal Services team we are applying Article 4 Directions to remove the permitted development rights relating to the demolition of Local Listed buildings as per Cabinet's decision from 2018.

### Policy Documents

- 9 The Team are developing the following Supplementary Planning Documents;
  - Edenbridge Character Area Assessment - As part of the Neighbourhood Plan process and in accordance with SP1 of the Core Strategy, this document is being produced in conjunction with Edenbridge Town Council and is due to go out to public consultation at the end of March.
  - District-wide characterisation study - This report will look at the overall general character of the district and can be used as a tool to enhance and promote positive development, which is responsive and suited to the local character.

### Design Review Panel

- 10 In conjunction with Design South East, the Team has written an SPD for the formal creation of a Design Review Panel to be included within the development management process. The SPD sets out the criteria and structure of the Design Review Panel (DRP). The DRP consists of design experts with different specialisms who appraise proposals via a presentation

by the applicants' team. This is a positive process to ensure that Sevenoaks District Council are delivering good quality development schemes.

## **Planning Officer Training Programme**

- 11 This year we have delivered four training courses for planning officers on aspects of design. This supports the embedding of good design culture within the general development management process. The courses delivered were;

  - Context and Character
  - Site context and connectivity
  - Active Travel
  - Accessibility

## Key Implications

## Financial

None directly arising from this report.

## Legal Implications and Risk Assessment Statement.

None directly arising from this report.

## Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## Conclusions

The Design and Conservation Team have expanded their remit to include general design and have delivered some important projects in both areas. This work will be built on in the forthcoming year to ensure the continued delivery of good quality specialist advice and documentation within Planning Services.

## Appendices

## Background Papers

## **Richard Morris** **Chief Officer - Planning & Regulatory Services**

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## USE OF ARTICLE 4 TO RESTRICT PERMITTED DEVELOPMENT RIGHTS FOR A CHANGE OF USE FROM OFFICE TO RESIDENTIAL

Development & Conservation Advisory Committee - 10 March 2020

Report of Chief Officer - Planning & Regulatory Services

Status For Decision

Also considered by Cabinet - 16 April 2020

Key Decision No

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**Executive Summary:** This report outlines the proposal to serve Article 4 directions, to restrict permitted development rights for a change of use from office to residential, to protect office accommodation in three key areas.

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This report supports the Key Aim of supporting and developing the local economy

Portfolio Holder Cllr. Julia Thornton

Contact Officer Hannah Gooden, Ext.7178

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**Recommendation to Development & Conservation Advisory Committee:** That the recommendation to Cabinet is endorsed.

**Recommendation to Cabinet:** To agree to serve Article 4 directions, to restrict permitted development rights for a change of use from office to residential, as outlined in the report.

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**Reason for recommendation:** To protect office accommodation in three key areas, to support and develop the local economy.

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### Introduction

- 1 Certain types of development, subject to limits and conditions, do not require full planning permission. These forms of development are called 'permitted development'. An Article 4 Direction can be used to remove specific permitted development (PD) rights in all or parts of a local authority's area.
- 2 The proposal is to remove PD rights for a change of use from office use (B1a) to residential use (C3) in three areas (see maps at Appendix A) in the District:

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- Land at the junction of London Road and Hitchen Hatch Lane, Sevenoaks (BT Building)
  - Land on London Road, in and around the junctions with Pembroke Road and Argyle Road, Sevenoaks (these offices and surroundings)
  - Crown Inn, Westerham Trading Centre
- 3 These three areas were previously exempt from this permitted development right, but the exemption expired in May 2019. The proposal is to continue this exemption through the application of an Article 4 Direction.

### Background

- 4 In 2013, a new permitted development right was introduced, allowing change of use from office to residential, to boost the nationwide supply of housing. This is via a ‘prior approval’ system, where only a limited number of factors can be taken into account, namely transport and highways issues, contamination and flooding.
- 5 SDC applied to central government for 11 ‘exempt office areas’, on the basis that the loss of offices in these areas would lead to ‘substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring’.
- 6 SDC was granted three ‘exempt office areas’ as listed above in May 2013 and shown in Appendix A. Please note that these maps were prepared in 2013 and there have since been a number of developments in these areas.
- 7 These ‘exempt office areas’ were only granted in a very limited number of locations (London boroughs, Manchester, Stevenage, Ashford, East Hampshire and Vale of the White Horse).
- 8 These ‘exempt office areas’ expired in May 2019. The intention was that these areas would be ‘re-designated’ via the emerging Local Plan. Draft Policy EMP1 (Supporting a vibrant and balanced economy’) states that:
- ‘all office accommodation on allocated sites will be served an Article 4 direction to retain important business space to meet the needs of the District’s economy’*
- 9 As the Local Plan is currently paused, the intention is to serve Article 4 Directions on the three previously-designated areas, as the first phase of this process, and serve the rest of the Article 4 Directions, once the Local Plan is adopted.
- 10 Our evidence base, specifically our Economic Needs Study (2016) identifies that the District needs to retain its existing employment base and needs an additional 11.6ha of employment land up to 2035, of which 7.2 ha is needed for office space (B1a/b).

- 11 Our annual monitoring, through our Authority Monitoring Report (AMR) and Community Plan, outlines that the change to permitted development rights allowing change of use from office to residential has had a detrimental impact on the supply of office floor space in the District.
- 12 Since 2013, when the permitted development right was introduced, 8,263 sqm of office space has been lost (which has resulted in 111 new housing units).

### **Process**

- 13 Article 4 Directions and Notices for each of the three sites have been drafted by legal, together with a covering letter to accompany the relevant Notice.
- 14 These will be sent to all properties within the three affected areas and relevant consultees, and affected parties are able to make comments and representations to the Council.
- 15 To avoid any risk of compensation, the Council must give at least one, but no more than two, year's notice ahead of the Directions coming into force.
- 16 Once the Direction comes into force, those who wish to carry out the work previously permitted (office to residential change of use) will need to obtain express planning permission from the Local Planning Authority. This does not mean that planning consent would not be granted, just that wider considerations (including economic impact) can be taken into account in decision-making, rather than the narrow remit of the 'prior approval' process.

### **Other Options Considered and/or Rejected**

- 17 SDC could wait until the adoption of the Local Plan to progress the Article 4 Directions. However, there is a risk that office accommodation in these key areas could be lost during this time as the exemption areas have expired. Alternatively, Article 4 Directions could be served on all office accommodation on allocated employment sites, but it is recommended that this wider approach is first tested via the Local Plan examination.

### **Key Implications**

#### Financial

No additional costs. To avoid any risk of compensation, the Council must give at least one, but no more than two, year's notice ahead of the Directions coming into force. Local Plan implementation funded from Local Plan budget.

#### Legal Implications and Risk Assessment Statement.

Legal involvement and advice in relation to issue of Article 4 Directions. Risks associated with content and production of the Local Plan are set out in the Local Development Scheme.

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### Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The preparation and adoption of a Local Plan and its proposed policies will directly impact on end users. The impacts have been analysed via an Equalities Impact Assessment (EqIA).

### **Conclusions**

It is recommended that Article 4 Directions are served in the three identified areas, to protect the supply of office accommodation in the District.

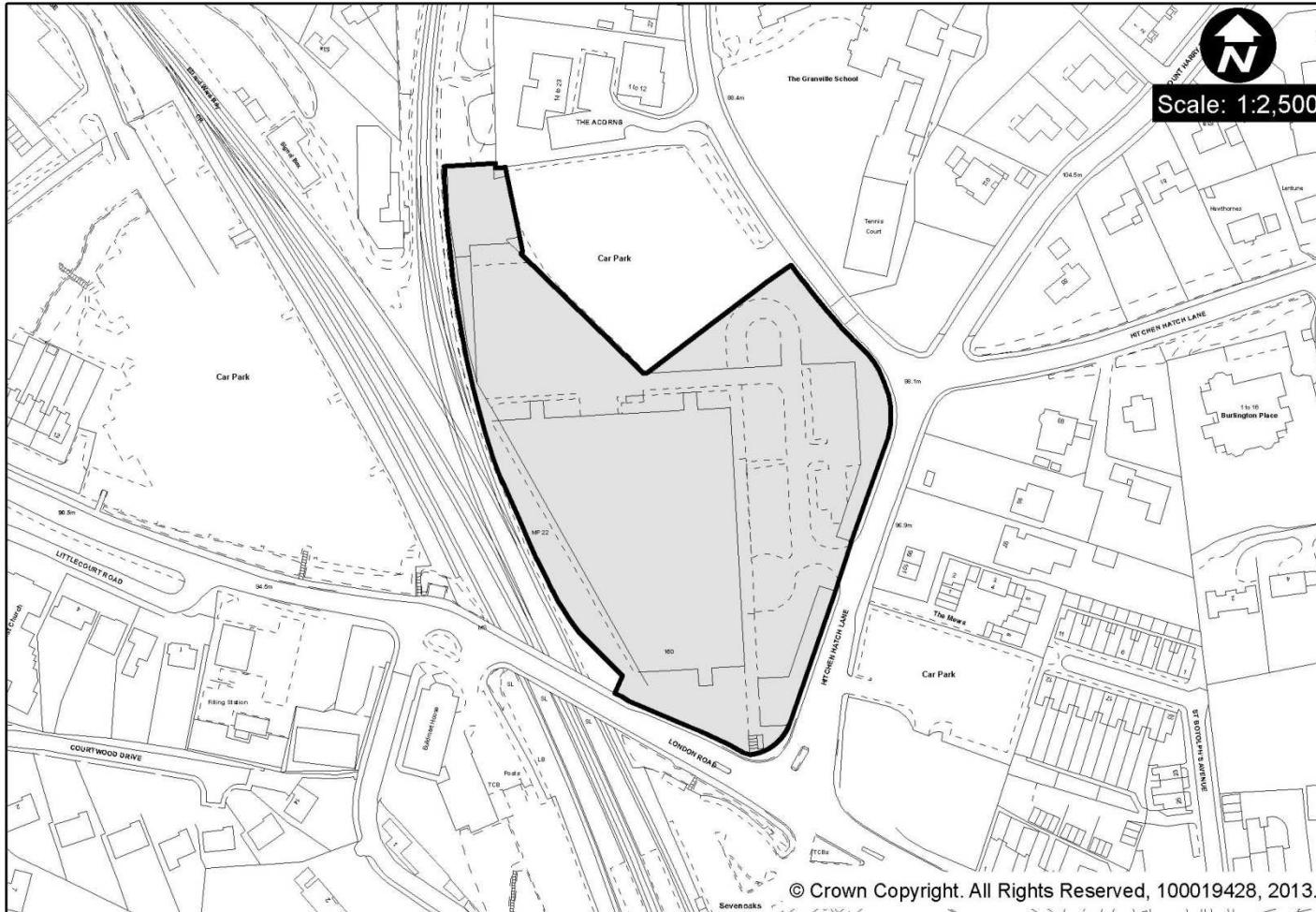
**Appendices** Appendix A - Maps of 'exempt office areas'

**Background Papers** None

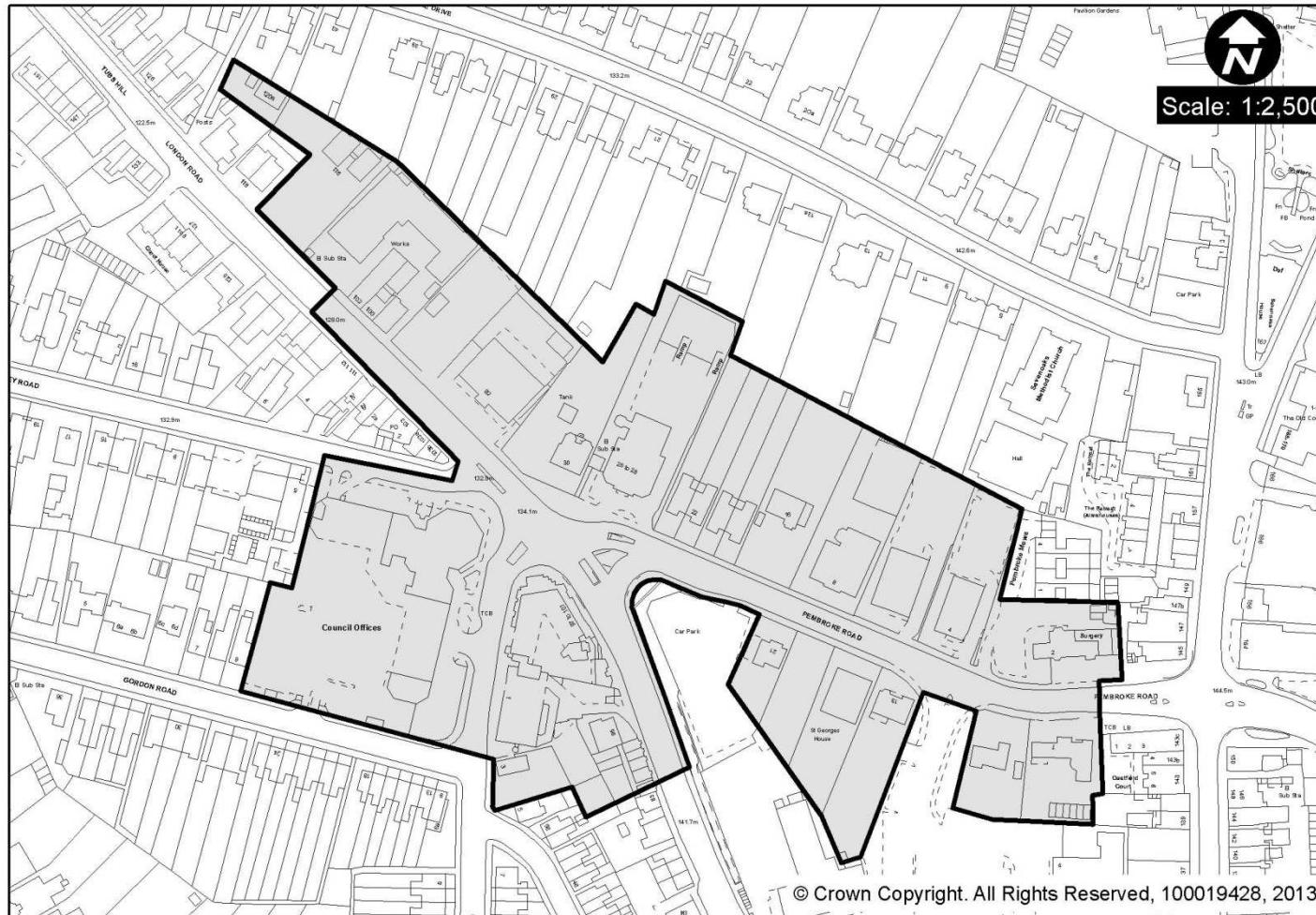
**Richard Morris**

**Chief Officer - Planning & Regulatory Services**

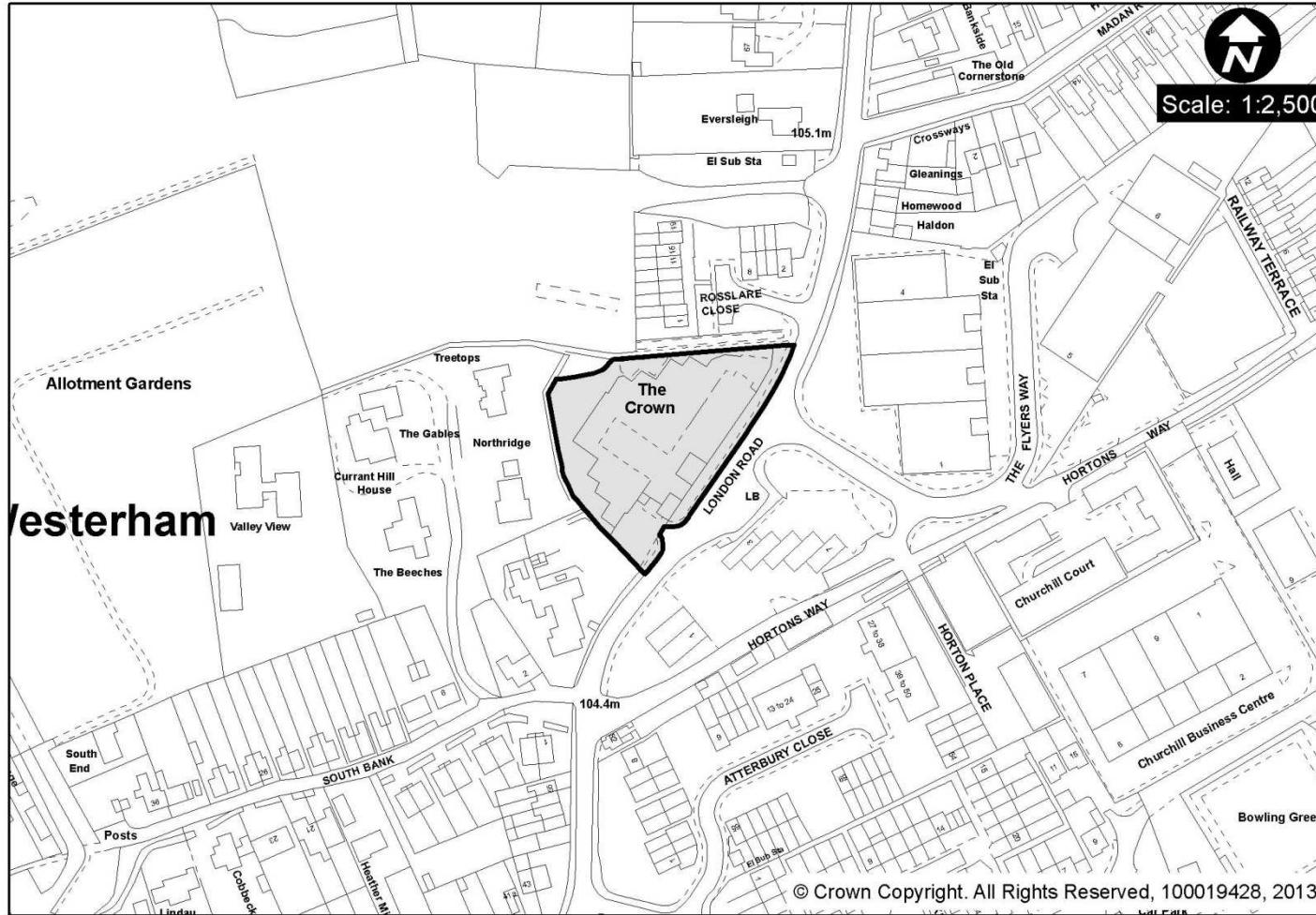
## BT Building, London Road, Sevenoaks



London Road, Sevenoaks



## Crown Inn at Westerham Trading Centre, London Road, Westerham



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## LOCAL PLAN UPDATE

### Development & Conservation Advisory Committee - 10 March 2020

Report of	Chief Planning & Regulatory Services Officer
Status	For information
Key Decision	No

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**Executive Summary:** This report provides an update on the Local Plan examination process.

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**This report supports the Key Aim of:** Protecting the Green Belt and Supporting and developing the local economy

**Portfolio Holder** Cllr Julia Thornton

**Contact Officers** James Gleave, Ext. 7326 / Hannah Gooden, Ext. 7178

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**Recommendation:** That Development and Conservation Advisory Committee notes the report.

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**Reason for recommendation:** To provide an update on the progress of the Local Plan.

#### Introduction

1 Members received a report in December, which provided an overview of the Local Plan examination and an update on discussions with the Inspector regarding the Duty to Co-operate. This report provides an update on the latest correspondence between the Council and the Planning Inspector.

#### Background on the Duty to Co-operate (DTC)

- 2 On Tuesday 15 October, we received a letter from the Inspector stating that she had significant concerns regarding the approach taken to meeting the duty to co-operate. A further letter dated 28 October 2019 sets out these concerns in more detail.
- 3 The duty to co-operate is contained in planning legislation and requires local authorities to co-operate with each other and specific prescribed bodies in relation to planning and sustainable development. In relation to the duty, the Inspector's central concern is a perceived lack of constructive

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engagement to resolve unmet housing need. A failure to meet the duty to co-operate is significant because it cannot be rectified retrospectively.

### Update since December DCAC

- 4 A further letter from the Inspector was received, after the pre-election purdah period, on 19 December (ED44, Appendix A). The Inspector's letter set out further detail on the legal nature of the DTC, the need for constructive engagement with neighbours and a commentary on the timing of engagement and our peer review process. The letter concluded that the Inspector 'remains of the view that the Council has not adequately undertaken constructive engagement with neighbouring authorities to resolve the issue of unmet housing need in the District'. The Inspector recommended that the Plan was either withdrawn or be found not legally compliant in respect of the Duty to Co-operate.
- 5 The Council responded on 3 January 2020 (ED45, Appendix B), setting out that we adamantly disagreed with the Inspector's planning judgements regarding the duty to co-operate. We outlined that had undertaken the duty to co-operate in a constructive, active and on-going manner, that we would not voluntarily withdraw the plan from examination, and we asked that the Inspector's report be issued as soon as possible, so that we can move forward.
- 6 The Leader wrote to the Rt Hon Robert Jenrick MP, Secretary of State for the Ministry of Housing, Communities & Local Government, on 21 January, outlining our concerns about the Planning Inspectors' conclusions with regards to the Local Plan examination (Appendix C). We have not yet received a reply from the Secretary of State.
- 7 We have also received further letters of support from other interested parties (neighbouring councils, town and parish councils, developers and the Seniors Action Forum) and we have made these available on our website on the following link:  
[https://www.sevenoaks.gov.uk/downloads/download/777/local\\_plan\\_correspondence](https://www.sevenoaks.gov.uk/downloads/download/777/local_plan_correspondence)
- 8 The Inspector's letter (19 December) suggested she would 'proceed to issue her final Report' after 17 January. However, apart from an internal fact check report (received 13th February and responded to on 27 February), at the time of writing the final report has yet to arrive but is expected imminently.

### Next steps

- 9 The Council is currently awaiting the final Inspector's report and will take a view on how to proceed when this is received. Whilst correspondence from the Inspector has focussed on the duty to co-operate we have, on a number of occasions, asked for views on other matters of soundness, including the approach to Green Belt protection and meeting housing need. These views have not been forthcoming but are important because they are one of the

factors that will guide our next steps in the plan making process. The Inspector's report will be published on the Local Plan pages of the Council's website as soon as possible and a report setting out a proposed way forward will be taken to Cabinet in due course.

- 10 Further verbal updates on the position will be provided at the Development Conservation Advisory Committee meeting on 10 March 2020.

## **Key Implications**

### Financial

Production of the Local Plan will be funded from the Local Plan reserve.

### Legal Implications and Risk Assessment Statement

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making which are considered when the plan is examined by a Government Planning Inspector. Risks associated with Local Plan making are set out in the Local Development Scheme

### Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The preparation and adoption of a Local Plan will directly impact on end users. The impacts have been analysed via an Equalities Impact Assessment (EqIA).

## **Conclusion**

Officers will be happy to take any questions at the meeting.

## **Appendices**

A - Letter from the Inspector received 19 December (ED44)

[https://www.sevenoaks.gov.uk/downloads/file/2870/ed44\\_inspectors\\_letter\\_to\\_sdc](https://www.sevenoaks.gov.uk/downloads/file/2870/ed44_inspectors_letter_to_sdc)

B - Response from the Council (ED45) - 3 January

[https://www.sevenoaks.gov.uk/downloads/file/2871/ed45\\_sdc\\_letter](https://www.sevenoaks.gov.uk/downloads/file/2871/ed45_sdc_letter)

C - Leader's letter to letter to Secretary of State - 21 January 2020

[https://www.sevenoaks.gov.uk/downloads/file/2885/sevenoaks\\_district\\_councils\\_letter\\_to\\_secretary\\_of\\_state\\_-\\_21\\_january\\_2020](https://www.sevenoaks.gov.uk/downloads/file/2885/sevenoaks_district_councils_letter_to_secretary_of_state_-_21_january_2020)

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**Background  
Papers**      None

**Richard Morris**  
**Chief Planning & Regulatory  
Services Officer**

**Development & Conservation Advisory Committee 2019/20 (as at 11/02/20)**

10 March 2020	7 July 2020	20 October 2020	3 December 2020
Local Plan Update	Performance Indicators		
Design & Conservation Update	Local Plan Update Innovation Update Aboriculture Update CIL Governance Annual Review Building Partnership Review Adoption of Edenbridge Character Assessment		

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