

23 July 2020 at 3.00 pm

This meeting will be held virtually via Zoom and will be livestreamed here:

https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g

Despatched: 15.07.20



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Firth, Hogarth, Hudson, Hunter, Layland, McGarvey, Pett, Purves, Raikes and Roy

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 2 July 2020, as a correct record.	(Pages 1 - 10)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Officer Planning & Regulatory Services' Report		
4.1 17/02594/FUL - 3 - 15 Lime Tree Walk, Sevenoaks, Kent TN13 1YH Demolition of No.5, 9, 9A & 13 Lime Tree Walk. Renovation of No. 11 including refurbishment of ground floor commercial space with conversion of upper floor into residential unit with loft conversion. Erection of a semi-detached 4 bed house built adjacent to No. 11. Erection of two residential blocks built to the rear of the site with car parking and ancillary accommodation including cycle & refuse storage area with associated landscaping.	(Pages 11 - 50)	Emma Gore 01732 227000
4.2 20/00847/LDCEX - Land Rear of Little Buckhurst Barn, Hever Lane, Hever, Kent, TN8 7ET Use of the building as a dwellinghouse.	(Pages 51 - 70)	Mark Mirams 01732 227000

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.

At this time of national emergency it is necessary to observe social distancing to limit the spread of Covid-19. For this reason the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note that due to the earlier time of the meeting, speakers should register by 1pm on the day of the meeting.

Any slides speakers may wish to have displayed at the meeting should be emailed to dc.committee@sevenoaks.gov.uk, by 1pm the day before the meeting.

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 2 July 2020 commencing at 3.00 pm

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

Cllrs. Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hunter, Layland, McGarvey, Pett, Purves, and Raikes

Apologies for absence were received from Cllrs. Ball, Firth, Hudson, Roy and Williamson

Cllrs. Osborne-Jackson, Parkin and Thornton were also present.

ELECTION OF VICE CHAIRMAN

The Chairman took nominations for a Vice Chairman for the Development Control Committee meeting on 2 July 2020.

Resolved: That Cllr Hunter be appointed Vice Chairman of the meeting.

80. Minutes

Resolved: That the Minutes of the Development Control Committee held on 11 June 2020, be signed by the Chairman as a correct record.

81. Declarations of Interest or Predetermination

Councillor Cole declared that for Minute 85 - 20/00922/HOUSE Halehurst, Fawkham Green Road, Fawkham Kent DA3 8NW, he had a friendship with one of the neighbours but the application had not been discussed and remained open minded.

Councillor McGarvey declared that for Minute 83 - 20/00329/FUL Mills Family Ltd, Axel House, 3 London Road, Farningham, Kent DA4 0JP, he had been involved with discussions and would therefore speak as the local Member but would not take part in the debate or voting thereon.

82. Declarations of Lobbying

There were none.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

83. 20/00329/FUL - Mills Family Ltd, Axel House, 3 London Road Farningham KENT DA4 0JP

The proposal sought planning permission for the change of use from former telephone exchange B1 to place of worship D1. The application had been referred to Committee by Councillor McGarvey for reasons including: adverse impact on neighbours in a residential area; the lack of benefit to the existing community; insufficient parking provision; flawed marketing for continued office use; and unproven need.

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

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Bob McQuillan
Parish Representatives: Cllr McGarvey
Local Member: Cllr McGarvey

Members asked questions of clarification from the speakers and officers. Members were advised that there were conditions on the application to restrict amplified noise. It was confirmed that by the Case Officer that currently the building has unrestricted use as an office and it could be turned into a residential building. If usage of the building were to increase a variation of condition would need to be applied for.

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

Members discussed the application and considered that noise could have an impact but that there were conditions in place to preserve the amenity of nearby residents. Parking was also discussed but it was noted by Members that Kent County Council had not raised any objections.

The motion was put to the vote and it was

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.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan; 679-02/A, 679-03.

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

- 2) The building shall be used only as a place of worship and shall not be used for any other use falling within the D1 use class of the Town and Country Planning (Use Classes) Order 1987 (as amended).

To preserve the amenities of nearby residents and to protect highway safety, to comply with policies EN1, EN7 and T2 of the ADMP.

- 3) No more than 25 people shall attend the building at any one time.

To preserve the amenities of nearby residents and to protect highway safety, to comply with policies EN1, EN7 and T2 of the ADMP.

- 4) The building shall only be used for services carried out between the hours of 07:00 and 08:30 on Sundays and 18:15 and 20:15 on Mondays. There shall be no use of the building prior to 06:45 on Sundays and after 20:30 on Mondays or at any other times.

To preserve the amenities of nearby residents and to comply with policies EN2 and EN7 of the ADMP.

- 5) There shall be no amplified sound or amplified music generated at the site at any time.

To protect the amenities of nearby residents, to comply with policies EN2 and EN7 of the ADMP.

- 6) Prior to the first use of the building, secure cycle parking facilities shall be provided for a minimum of two cycles and these shall be maintained and available for use at all times.

To ensure that facilities are provided to encourage sustainable transport to the site, to comply with policy SP2 of the Core Strategy.

- 7) The hardstanding to the front of the building shall remain available for parking and free of obstruction at all times.

To ensure that the parking area remains available for use as such at all times and to ensure compliance with policies EN1 and T2 of the ADMP.

Informatives

- 1) The applicant is reminded that new gates to the front of the site do not form part of this planning permission.

(Having declared an interest, Cllr McGarvey left the room during consideration of this item and did not take part in the debate or voting thereon.)

84. 20/00266/FUL - Land To The East Of The Cottage, Badgers Road, Badgers Mount KENT TN14 7AY

The proposal sought planning permission for the erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking. The application had been referred to the Development Control Committee by Councillor Grint because of the unacceptable impact upon neighbouring amenity.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: Alison Chase
For the Application: Pete Hadley
Parish Representatives: Gordon Plumb
Local Member: Cllr Grint

Members asked questions of clarification of the officers. It was confirmed that a construction management strategy was required to be submitted to the Council before work could start, and that any development could only take place within the application site itself. Building Control legislation would also apply to relevant works.

It was moved and duly seconded that the recommendations within the report be agreed.

Members discussed the application and it was,

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

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

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

- 2) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the new 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 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 3) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the plant species, size and their frequency within the proposed green roof and a maintenance plan for the green roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure the proposal responds to the character of the area, consistent with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 4) No development shall be carried out above the damp proof course of the hereby approved dwelling until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The proposed parking area will comprise of a porous material. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 5) No development, including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include details of: (a) a photographic survey of Badgers Road from the junction with Highland Road and the entrance to the site; (b) the types of vehicles, their size, load size and purpose within the construction process; (c)

parking for vehicles of site personnel, operatives and visitors;(d) loading and unloading of plant and materials;(e) storage of plant and materials used in constructing the development;(f) programme of works, including details of sheet piling installation and measures for traffic management;(g) provision of boundary security hoarding behind any visibility zones;(h) wheel washing facilities;(i) measures to control the emissions of dust and dirt during construction;(j) a scheme for the recycling/disposing of waste resulting from demolition and construction works; and (k) hours of operation.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 6) If damage occurs to the Public Right of Way byway it will be made good and reinstated back to that shown within the photographic survey approved under Condition 5 above prior to the first occupation of the new dwelling hereby permitted.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 7) Prior to occupation full details of ecological enhancements, including their location within the site, shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be carried out prior to the first occupation of the development hereby approved and retained thereafter.

To ensure the biodiversity of the area is maintained, in accordance with Policy SP1 of the Core Strategy and the NPPF.

- 8) Prior to occupation of the proposed development the POD point electric car charging point as shown on drawing 3087-18-PL102 shall be installed and retained as such thereafter.

In the interests of sustainable transport and climate change in accordance with Policy SP2 of the Sevenoaks Core Strategy, Policy T3 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 9) 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 of the 2015 Order (as amended), shall be carried out to the site or made to the dwelling without the grant of a further planning permission by the local planning authority.

To safeguard the character and appearance of the Kent Downs AONB landscape and to prevent inappropriate development in the Green Belt in accordance with Policy EN5 and GB1 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Development in the Green Belt Supplementary Planning Document and the NPPF.

- 10) The development hereby permitted shall not be used or occupied until the pedestrian visibility splays of 2m by 2m have been provided and anything which obstructs visibility at any height greater than 0.9 metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans: 3087-18-PL101 Rev P8, PL102 Rev P8, PL103 Rev P8, PL104 Rev P10, PL105 Rev P7.

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

Informatives

- 1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 2) As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to

the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

85. 20/00922/HOUSE - Halehurst, Fawkham Green Road, Fawkham KENT DA3 8NW

The proposal sought planning permission for a Loft conversion with two front dormer and one rear dormer. The application had been referred to the Development Control Committee by Councillor Fothergill and Councillor Parkin on the basis that the proposed dormers would have a detrimental impact on the street scene and wider street scene, a detrimental impact to the character of the area and openness of the Green Belt and the rear dormer would create a loss of privacy and amenity to neighbouring properties 8, 9 and 10 Small Grains, all of which would fail to comply with Policy EN1 Design Principles and EN2 Amenity Protection.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representatives: -

Local Member: Cllr Parkin

Members asked questions of clarification from the officers. It was confirmed that the immediate neighbours to the application site both had dormer windows. A 60m distance was measured from the rear boundary of the application site to the boundary line of the neighbouring properties 8, 9 and 10 Small Grains.

It was moved and duly seconded that the recommendations within the report, be agreed.

Members discussed the application, and it was

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.

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

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1665 01 (site plan), 03, 04 and 05.

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

THE MEETING WAS CONCLUDED AT 4.48 PM

CHAIRMAN

4.1 17/02594/FUL

Date expired 7 July 2020

Proposal:

Demolition of No.5, 9, 9A & 13 Lime Tree Walk.
Renovation of No.11 including refurbishment of ground floor commercial space with conversion of upper floor into residential unit with loft conversion. Erection of a semi-detached 4 bed house built adjacent to No.11. Erection of two residential blocks built to the rear of the site with car parking and ancillary accommodation including cycle & refuse storage areas with associated landscaping.

Location:

5 - 13 Lime Tree Walk, Sevenoaks, Kent TN13 1YH

Ward(s):

Sevenoaks Town & St Johns

Item for decision

The application was called to Development Control Committee by Councillor Fleming due to the impact on local listed buildings and other listed neighbouring properties and inappropriate development in the Conservation Area.

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: 16216 E-001, 16216 P 300 E, 16216 P 301 D, 16216 P 302 C, 16216 P 303 C, 16216 P-450 A, 16216 P-451 B, 16216 P-452 A, 16216 P-453 A, 16216 P-454, 16216 P 700 A.

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

3) Prior to first occupation of any of the units hereby approved details of parking allocation and cycle parking shall be submitted to and approved in writing by the local planning authority. The details shall include a plan illustrating the following: (a) Parking allocation for each unit (i.e. which space is allocated for each planning unit), (b) An allocated visitor space, (c) Additional cycle spaces for the proposed commercial unit at ground floor of no.11 Lime Tree Walk. The proposed parking spaces and cycle parking shall be provided in accord with the approved details and prior to the first occupation of the development hereby approved and maintained as such thereafter.

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In accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan in the provision of sufficient parking.

4) Prior to first occupation of the of development a scheme to show the provision of electric vehicle charging points, 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.

5) Prior to first occupation of any of the units hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

To enhance the biodiversity of the site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

6) Prior to the commencement of the development hereby approved including any demolition, details of a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The details shall include: (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signs, (f) Details of site vehicle access, (g) Details of storage of materials on site, (h) Hours of working operations on the site, (i) Detailed demolition plan. The approved Construction Management Plan shall be adhered to throughout the construction works.

In the interest of highway safety and neighbouring amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan and paragraph 109 of the National Planning Policy Framework.

7) Prior to the occupation of any of the approved units, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The relocation of storage for block A so it does not sit against the flank wall of no.15 Lime Tree Walk shall be illustrated as part of the details submitted. The development shall be carried out in accordance with the approved details.

To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests in accord with policies EN1 and EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

8) (A) Prior to commencement of the development hereby approved a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical

representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

(B) If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to: - Human health; - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, Adjoining land, Ground waters and surface waters, Ecological systems, Archaeological sites and ancient monuments; and (iii) An appraisal of remedial options and identification of the preferred option(s). All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(C) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(D) Prior to commencement of development above the ground level, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(E) In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved

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remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors' in accordance with the provisions of the National Planning Policy Framework.

9) The allocated office/commercial space at ground floor of no.11 Lime Tree Walk (block B) as indicated on plan 16216 P 300 E shall be used for office space class B1(a) only. No change of use for other purposes shall be undertaken without the prior written consent of the local planning authority.

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

10) Prior to above ground works details of sound insulation for the conversion of the first floor of block B, no. 11 Lime Tree Walk, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In the interests of the future occupiers of the development in accord with policies EN1 and EN2 of the Sevenoaks Allocation and Development Management Plan.

11) No development, including demolition work shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accord with the approved details.

To ensure that historic building features are properly examined and recorded in accord with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

13) Prior to any above ground works details of the internal and external restoration of no.11 of Lime Tree Walk (block B) shall be submitted to and approved in writing by the local planning authority. Sections and elevations of the replacement windows at a scale of no less than 1:20 shall be included in the provided details. The approved restoration works shall be completed in full prior

to the occupation of any of the approved units and in accord with the approved details.

To preserve the character of the locally listed building in accord with policy EN4 of the Sevenoaks Allocation and Development Management Plan.

14) Prior to the commencement of the development hereby approved samples of all of the external materials to be used in connection with the development shall be submitted to and approved in writing by the local planning authority. The materials shall include a sample panel of the textured brickwork to blocks C and D. The development shall be carried in accord with the approved details.

To ensure the conservation of the character of the Conservation Area in accordance with policy EN1 and EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

15) Prior to the commencement of the development hereby approved sections and elevations of the new windows, including reveal details to the new buildings shall be submitted at a scale of no less than 1:20 to the local planning authority and approved in writing. The development shall be carried out in accord with the approved details.

To ensure the perseveration of the character of the conservation area in accordance with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

16) Prior to any development taking place above damp proof course full details of both hard and soft landscaping and all means of enclosure works and external lighting shall be 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 all hard landscaping including but not limited to parking areas, pavements, public walkways and patios, - Details of all means of enclosure with location of all means of enclosure, - The type and location of all external lighting, 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 approved details shall be implemented prior to bringing the development hereby approved into first use and maintained as such thereafter.

To ensure the visual appearance of the area as supported by EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D, and E of Part 1 of Schedule 2 of the 2015 Order (as amended), and Class A of Part 2 of Schedule 2 of the 2015 Order (as

amended) shall be carried out without the grant of a further planning permission by the local planning authority to any part of the proposal including to block A as identified on plan P305 .

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

18) All windows and doors labelled as 'OG' on plans 1621 P 300 E, 16216 P 301 D and 16216 P 302 C shall be obscured glazed and fixed shut up to 1.7m from finished floor level. The windows and doors shall be retained as such thereafter.

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

Informatives

1) This proposal includes works close to or on a shared boundary. In addition to any consent required under the Building Regulations, you may require consent from your neighbours under The Party Wall etc. Act 1996.

2) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact Kent County Council for further information. It is an offence to obstruct a public right of way.

Public Rights of Way & Access Service
West Kent PROW
8 Abbey Wood Road
Kings Hill
West Malling, ME19 4YT

Web site: www.kent.gov.uk

Phone: 03000 41 40 89

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

4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Buildings/outbuildings are present on the application site and are to be assumed to contain nesting birds between the above dates.

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 Site

- 1 The application site is located to the south of Lime Tree Walk and to the west of London Road. The site is comprised of a number of buildings including previous commercial use and residential use.
- 2 No.11 Lime Tree Walk is a locally listed building with an attractive warehouse design which is site directly along Lime Tree Walk. Attached to no.11 Lime Tree Walk, to the rear and west nos. 9 and 9a extend. These elements are not locally listed.
- 3 The access to the site is situated between the eastern elevation of no.11 Lime Tree Walk and no. 49 London Road. Through the access no.5 Lime Tree Walk is visible. It is comprised of a two storey attached dwelling. These buildings all site within the Conservation Area.
- 4 To the east of the site to the rear corner, no.13 is sited just outside of the Conservation Area. The building has a modern appearance with dormers and square form and mass.
- 5 The site is contained to a degree by neighbouring built form for which no.15 Lime Tree walk is locally listed and no.41 London Road is Grade II listed. The whole of the site is located within the defined town centre.

Description of Proposal

- 6 Demolition of No.5, 9, 9A & 13 Lime Tree Walk.
- 7 Renovation of No.11 including refurbishment of ground floor to provide commercial space and conversion of upper floor to provide a 3 bedroom residential unit, which include a loft conversion to accommodate third bedroom (referred to in the plans as Block B).
- 8 Erection of a 3 storey, semi-detached, 4 bedroom house, which will be built adjacent to No.11 (referred to in the plans as Block A).
- 9 Erection of two residential blocks built to the rear of the site (referred to in the plans as Blocks C and D). The two blocks would be 3 storeys with low rise oblique pitched roofs.
- 10 Block C would contain 3 flats comprised of: 1 single bed unit, 2 three bed units, with car parking at ground floor.
- 11 Block D would contain 4 flats comprised of: 1 single bed unit, 3 two bed units with parking at ground floor.

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- 12 The site would provide cycle & refuse storage areas with associated landscaping. Overall the development would provide 9 residential units and refurbish the commercial space at ground floor in Block B, i.e. 11 Lime Tree Walk.

Planning History

- 13 85/01717/HIST Demolition of Building Refused 25/02/1986
- 14 85/01718/HIST Erection of Auction Room Refused 21/02/1986
- 15 86/00440/HIST Demolition of Building Granted 09/07/1986
- 16 86/00441/HIST Erection of Auction Room Granted 09/07/1986
- 17 87/01903/HIST Display of an Externally Illuminated Projecting Sign Granted 09/03/1988
- 18 89/00727/HIST Variation of condition 3 on consent SE/86/441 and variation to front boundary treatment Refused 10/08/1989
- 19 13/02302/FUL The demolition of 5a, 9, 9a, 11 and 13 Lime Tree Walk and erection of 17 apartments with onsite parking. As amended by additional information received 03.09.13 Refused 08/11/2013
- 20 14/02809/FUL The redevelopment of 5-13 Lime Tree Walk, comprising the demolition of the existing buildings and erection of 3 storey building to provide 14 apartments and parking provision for 14 cars. Refused. Dismissed at Appeal 15.02.2016 10/12/2014.

The reasons for refusal related to harm to the character and appearance of the conservation area, and harm to the setting of the nearby listed buildings.

Policies

- 21 Core Strategy (CS)
- L01 Distribution of Development
 - L02 Development in Sevenoaks Urban Area
 - L03 Development in Sevenoaks Town Centre
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP5 Housing Size and Type
 - SP7 Density of Housing Development
 - SP8 Economic Development and Land for Business

22 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN3 Demolition in a Conservation Area
- EN4 Heritage Assets
- EN7 Noise Pollution
- TLC1 Sevenoaks Town Centre
- EMP1 Land for Business
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

23 Other

NPPF and Planning Practice Guidance

Sevenoaks High Street Conservation Area Appraisal

Constraints

24 The following constraints apply to the site:

- Sevenoaks Town Centre
- Public Right of Way to the west of the site
- Section 106 - S106/SE/86/00441
- Conservation Area - Sevenoaks High Street (excluding part of 13 Lime Tree Walk)
- Adjacent to Grade II Listed Buildings (including 41 London Road and terrace of 2-40 Lime Tree Walk)
- Tree Preservation Orders to the south of the site
- Area of Archaeological Potential (eastern part of the site only)
- Adjacent to Locally Listed Building 15 Lime Tree Walk
- Locally Listed Building 11 Lime Tree Walk
- Employment Site, designated by the ADMP.

Consultations

25 Two rounds of consultations have been undertaken, one in September 2017 (referred to below as the “first consultation”) and the second in May 2020 (“second consultation”).

26 KCC Public Rights of Way Officer - First Consultation:

27 ‘Public Right of Way Footpath SU48 runs down the western side of the site but I do not anticipate it being affected by the development. However, on the plans the area along which the public footpath runs has written on it

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‘Private Access’ which is incorrect as the public have a right of access on foot, and further down ‘Emergency and Maintenance Access only’. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.

- 28 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt, the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.
- 29 Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
- 30 A minimum of six weeks’ notice is required to process any applications for temporary closures.
- 31 If scaffolding is required along the public footpath then this office should be contacted for the appropriate licence.
- 32 This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent’.
- 33 SDC Environmental Health - First Consultation:
- 34 ‘I refer to the above application that has been passed to this team for comment.
- 35 It is understood that the proposal includes the development of 11 Lime Tree Walk into a mixed development, with the commercial use on the ground floor retained and residential on the upper floors.
- 36 Where residential and commercial buildings are in close proximity to one another there can often be potential for loss of amenity from noise etc. The Design and Access Statement (section 4.2) envisages that a “design or technology based companies.” would be suitable. I would have no concerns if the use class could be restricted to B1 use. However, to avoid a loss of amenity or nuisance in the future from a permitted change of use which may impact residents (e.g. to Class B8), it is recommended that a condition is applied that would prevent this. Alternatively, it will be necessary to apply a detailed condition that requires the applicant to submit a detailed scheme of sound insulation related to the intended use.

37 11 Lime Tree Walk is a former garage and workshop and the site is therefore potentially contaminated. A contaminated land condition has been suggested below.

38 A Refuse Strategy has been included in the Design and Access Statement but includes little or no detail on the type of receptacles to be used or their capacity. If this is not a planning consideration, we would as a minimum wish to know the size of each of the refuse storage areas to be allocated for the number of households, including the number of bedrooms for each dwelling. A condition has been suggested below.

39 Refuse Storage Facilities Condition:

Before any building is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests

40 Contaminated Land Condition:

41 1. Prior to commencement of the development a desktop study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

42 2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

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- (iii) An appraisal of remedial options and identification of the preferred option(s).
- 43 All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).
- 44 3.If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- 45 4.Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- 46 5.In the event that, at any time while the development is being carried out, contamination is found that was not previously identified; it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors’.

47 Second Consultation:

‘I have no further observations beyond those of Environmental Health on the 3rd October 2017, mainly recommending conditions requiring details of a scheme of noise insulation between commercial and residential units and condition requiring contaminated land investigation etc.’

48 KCC Highways - First Consultation:

49 ‘I refer to the above planning application and in order that I may fully assess the highway implications, I shall require further information in respect of-

50 I will require a fully dimensioned plan, to include the width of the access road/drive, size of the parking spaces and turning area and a plan detailing the visibility splay for both directions.

51 I do have concerns regarding the access road arrangement, and the possibility of a vehicle having to reverse back onto the highway, as the access does not provide space for 2 vehicles to pass. However I can assess this better once we have the dimension plans.

52 I would also point out that SPG4 states a minimum of 2 cycle spaces for office use, regardless of size.

53 I shall also be grateful if you will allow an extension of time to the normal consultation period in order that the highway implications of this proposal can be properly assessed. I will let you have my comments as soon as possible’.

54 Second Consultation:

‘It would appear that the recently submitted revised documents do not affect the highway related aspects of this application. I therefore do not raise any objection to this application on highway grounds’.

55 SDC Tree Officer - First Consultation:

‘It is clear that no vegetation of note exists upon the site to be affected by these proposals. There are however mature trees located adjacent to the southern boundary upon adjoining property. These trees are protected by TPO 5 of 1977 and 22 of 2010. I have read through the Arboricultural Implications Assessment by Broad Oak Tree Consultants LTD. I find their explanations of root and canopy growth and potential limited affects from this proposed development acceptable. I do not therefore offer any objections to this scheme but suggest that a suitable landscaping scheme be conditioned and attached to any consent given’.

56 Second Consultation:

‘Please see comments made on 27.09.2017’.

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- 57 SDC Conservation Officer - First Consultation:
‘Meeting held and further info to be provided’.
- 58 Second Consultation:
- 59 ‘The latest proposals for the partial redevelopment of 5 - 13 Lime Tree Walk have been the result of extensive pre-application advice. Part of the site sits within the Sevenoaks High Street Conservation Area and the site is within the setting of several listed buildings (No.49 London Road, No.41 London Rd and 2 - 40 Lime Tree Walk, 21- 27 Lime Tree Walk, 29-31 Lime Tree Walk) and is adjacent to a Locally Listed Building, No.15 Lime Tree Walk.
- 60 The infill element of development on Lime Tree Walk abuts No.15, which is the Locally Listed building and develops an area currently used as car parking but previously occupied by a building. The former building on this site is reflected in the flank wall of No. 15 which is simply rendered rather than having the same ornamental detailing as the principle elevation or the western flank. This blank elevation and the view of this from the High Street do not contribute towards the special interest of either the Conservation Area or the locally listed building and therefore obscuring this elevation cannot be demonstrated to cause harm. Vacant sites within conservation areas can sometimes add character or be adapted over time as public realm that contributes to the special character of the area. In the case of this site, it sits within an urban street and is enclosed on three sides and affords no heritage value to the setting of the nearby listed buildings or conservation area. The applicant is proposing a building of traditional proportions that reflects the design of the former building on the site but with paired down detailing. This approach is not harmful to the character of the conservation area and reflects the detailing of the historic development. It is important that in this sensitive site the quality of the detailing and materials of this façade is retained past the application process and to this end, it would be appropriate to condition samples of all the external materials and fenestration.
- 61 The setting of No. 41 will change with the proposed redevelopment of the rear of the site. No 41’s principal elevation faces away from the application site which means that the proposed development will be viewed behind it when looking directly at the front of the property. The setting of No. 41 is characterised by being a residential property within the heart of the town. It reflects the historic grain of the plots which fan away from London Rd. The loss of one of the coach houses (that adjoins the modern extensions to No. 41) will remove a small element of enclosure that is currently experienced by the property. The extent of this enclosure does not impact on the setting of the building which has always been part of the dense built up confines of central Sevenoaks and designed to address the open fields/gardens to the front (south) and not the development to the North. The house continues to address the south with later extensions orientating this way as well. Furthermore the house was always experienced within a developed context and the current proposals retain this setting.

- 62 The development is not considered harmful to the special interest of the setting of the designated heritage assets or the non-designated heritage assets.
- 63 The detailing and materials of the new building is important to ensuring good quality development within the conservation area. To this end, please condition;
- Sections and elevations of the replacement windows to block No.2
 - Sections and elevations of the new windows, including reveal details to the new buildings
 - Samples of all external materials to the new buildings
 - A sample panel of the textured brick work to blocks 3 and 4
 - A landscape plan including samples of hard finishes and details of lighting and planting’.
- 64 KCC Development Contributions - First Consultation:
- No response.
- 65 Second Consultation:
- 66 ‘Whilst we appreciate this application will pay the CIL adopted by Sevenoaks District and that the County Council cannot request contributions through a s106 agreement, the development of 9 new homes will still have an impact on County services which cannot be accommodated within existing capacity. This development will place the following unfunded pressures on KCC:
- Primary: 1 new house @ £4624 and 8 new flats @ £1160.50 each = £13,908.00
 - Secondary: 1 new applicable House @ £5176.00 each & 8 new applicable flats @ £1294.00 (x8) = £15,528.00
 - Secondary land costs for new Secondary school @£4392.89 per applicable house (x1) & £1098.22 per applicable flat (x8) = £13,178.65
 - Community Learning: @ £16.42 per Dwelling (x9) = £147.78
 - Youth Service: @ £65.50 per Dwelling (x9) = £589.50.00
 - Libraries: @ £55.45 per Dwelling (x9) = £499.05
 - Social Care: @ £146.88 per Dwelling (x9) = £1321.92
- 67 Accessible and Adaptable Homes
- 68 The Ministry of Housing, Communities and Local Government identified in June 2019 guidance *Housing for older and disabled people* the need to provide housing for older & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care requests all these dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant’s requirements.

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Waste: £221.92 per Dwelling (x9) = £1997.28

Broadband: The Department for Culture, Media and Sport requires fibre to the premise/gigabit capable fibre optic connection for all. Please include within any Planning Consent the requirement to provide 'fibre to the premise' broadband connections to all premises of gigabit capacity, namely:

Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

69 It is requested that these impacts be noted in determining the application and that Sevenoaks District Council allocates CIL funds received from the development to ensure the impacts of the development can be met and the development regarded as sustainable'.

70 KCC Archaeological Officer - First Consultation:

71 'Thank you for your letter consulting us on the above planning application for demolition of 5, 9, 9A & 13; renovation of 11; erection of dwelling and associated works.

72 The site lies within the historic centre of Sevenoaks although it is more towards the rear of properties and probably was more with the back yards or adjacent fields. Lime Tree Walk is not evident on the 1st Ed OS map but it is clearly marked on the 2nd Ed OS map and indicates the spread of the post medieval settlement of Sevenoaks as a market town.

73 There is some potential for medieval remains but mostly for post medieval remains although part of the site may have been disturbed by 20th century redevelopment. The current buildings are of some local heritage interest in view of their industrial character.

74 I recommend that the following conditions should be placed on any forthcoming consent:

(1) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

(2) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

75 Second Consultation: -

‘Thank you for your letter consulting us on the amended details for the above planning application for demolition of 5, 9, 9A & 13; renovation of 11; erection of dwelling and associated works. I have no further comments in addition to my letter of 6 October 2017 but for your convenience I repeat them below...’

76 Sevenoaks Town Council - First Consultation:

77 ‘Sevenoaks Town Council recommended refusal on the grounds of:

- Excessive bulk and dominance in a conservation area,
- Detrimental impact on neighbouring properties
- The proposal does not preserve or enhance conservation area
- The proposal constitutes overdevelopment of the site.

Informative: Sevenoaks Town Council would be more sympathetic to a two storey scheme in the courtyard’.

78 Second Consultation:

‘Sevenoaks Town Council recommended approval subject to the Conservation Officer being satisfied with the plans and materials.

Informative: Councillor Raikes and Councillor Hogarth declared a non-pecuniary interest in this application and therefore declined to comment’.

Representations

79 Two rounds of public consultation have been undertaken. The second followed the submission of amended plans by the applicant.

80 Comments have been received, in some instances addresses have commented more than once. The issues raised may be summarised as follows:

81 In 2017 4 objections and 5 comments neither objecting nor supporting were received.

82 Issues raised within the objections can be summarised as follows:

- Noise, vibration and dust resulting from the development construction work would be harmful to health,
- Insufficient parking in the local area,

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- Construction process would impact the existing parking issues in the area,
- Loss of privacy to no.4 Lime Tree Walk,
- Loss of view and light as a result of 4 bedroom dwelling house,
- Lime Tree Walk is lined with beautiful listed homes modern development would not be in keeping,
- Uncomfortable with the degree of demolition,
- Uncomfortable with the building of a semi-detached dwelling in line with the boundary of 15 Lime Tree Walk,
- Result in a terracing affect and would harm the visual amenity of the locally listed building (no.15),
- Impact to the occupancy of Lime Tree Walk as a result of construction works,
- Small degree of commercial space provided,
- Development avoiding affordable housing provision.
- Loss of light from mid-November to February as a result of the 4 bedroom dwelling house,
- Harm to the road due to increased traffic on residential road,
- Restrictive covenant on land between 11 & 15 Lime Tree Walk,
- Block 'D' will result in the loss of privacy for Senncoke Court,
- Loss of privacy to no.6 Lime Tree Walk,
- Refuse collection would be too tight due to the narrow nature of the road.

83 Issues raised within those comments neither supporting nor objecting can be summarised as follows:

- Restoration of no.11 is welcomed due to its value to the heritage of Sevenoaks,
- Would the commercial space provide office or retail?
- Parking impact during construction ,
- Would the development be boarded up during construction,
- No details with regard to the internal alterations to no.11,
- Impact on restricted parking already at capacity,
- Concerns with regard to overdevelopment and traffic pressure,
- Concerns with regard to 4 storey block C, which would be visually intrusive and damaging to the character of the area.

84 In 2020 7 objects and 2 letters of support were received.

85 Issues raised within the objections can be summarised as follows:

- Proposal would adversely affect light and air to adjoining buildings - Sevenoaks Business Centre, 2 - 6 Lime Tree Walk opposite (particularly the construction of the proposed new "pastiche" house.
- Proposed new buildings are not of sufficient architectural quality or design for the Conservation Area,
- New building would not be in keeping with the quality of the historic area or in comparison with the Grade II listed buildings,
- Restoration of no.11 Lime Tree Walk is welcomed no excuse for the demolition of no.5, 9 and 9a buildings of same age and character should be restored,

- Ongoing construction work would be detrimental to life and wellbeing of the surrounding residents and business on many grounds,
- Swifts located in the area and the demolition of building could result in loss of nests which are protected by law,
- New builds do not provide sufficient green space,
- More parking and vehicles could ruin the peaceful nature of residential road,
- The proposed parking would not be able to accommodate modern day vehicle sizes (circulation would be too tight) result in on street parking which is already at capacity,
- How will refuse be managed,
- Density of occupation if much greater than the site can reasonably hold,
- Limited amenity space,
- Right to light - proposed plans would reduce light admittance,
- Loss of visual privacy,
- Overall bulk and height of development would be detrimental to the historic nature of the area,
- Modern elements of little architectural merit,
- Loss of parking,
- Concerned with the integrity of this planning application due to the on-going Covid-19 Public Health Crisis and lockdown and as such limited public engagement,
- Height and scale out of character and out of proportion to the scale of the plot with an overbearing impact,
- Block D will cause significant loss of amenity to property owners which back onto the car park at the rear of Sennocke Court,
- Light and fresh air and visual privacy impact 2 - 6 Lime Tree Walk,
- Block A should be set back from the street scene,
- Vehicular access to the rear of the development looks difficult to manoeuvre for larger cars and trucks,
- No.11 should already have been renovated,
- Public notification insufficient - undemocratic during period of pandemic,
- Number of dwellings proposed in such a small area is inappropriate,
- Strain on road,
- Reduced visibility, light and privacy,
- Impact to no.15 Lime Tree Walk as a locally listed building - proposal of block A would have a terracing effect on Lime Tree Walk,
- Disrespectful gap between no.15 and proposed block A,
- Right to light,
- Legal covenant prevent building on land between no.15 and no.11 Lime Tree walk,
- Proposed block A reflects the appearance and scale and massing of the original building the other parts of the development would not reflect the character and appearance of the area,
- Demolition of built form would result in significant harm to the historic interest of the area due to existing reflection of scale,
- Outlook to no.41 would be harmed as a result of a 3 storey buildings which would be overbearing and dominating,

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- Increased noise, activity as a result of vehicle movements,
- Harm to the listed building as a result of the demolition of no.5.

86 Issues raised within the letters of support can be summarised as follows:

- Pleased to see a scheme which would refurbish no.11 and provide much needed residential development,
- Welcome the reduced height and improvement of design to the two new residential blocks,
- New in-fill could provide interesting new building provided the design ideas are carried through,
- Fenestration details of no.1 should be conditioned to ensure appropriate restoration,
- Condition securing no.11 restoration before occupation of any other units,
- Scheme protects a valuable building.

Chief Planning Officer's Appraisal

Principle Issues

87 The main planning considerations are:

- Principle of development and the mix use of the site
- Density and residential mix
- Heritage and Design - Impact to the Conservation Area, Locally Listed Building, setting of both Listed and Locally Listed Buildings and Area of Archaeological Potential and the impact to the design and character of the area
- Impact to neighbouring amenity
- Impact to highways and parking
- Trees and Landscaping
- Other issues - Contaminated Land, Public Right of Way, Biodiversity.

The principle of development and the mixed uses

88 The National Planning Policy Framework (NPPF) places an emphasis on development on previously developed land; the application site contains existing built form and is located in an urban environment. The site would therefore represent previously developed land in accord with annexe 2 of the framework.

89 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.

- 90 Policy LO1 of the Core Strategy states that development will be focused within the built confines of existing settlements. Sevenoaks urban area, which includes Sevenoaks town, will be the principal focus for development in the District, in accord with policies LO1, LO2 and LO3.
- 91 Policy LO2 focuses on development in Sevenoaks Urban Area. The site is located both directly within the defined town centre and the urban area, where 13 Lime Tree Walk is outside of the defined centre. Policy LO2 of the Core Strategy identifies that provision will be made for both the creation of residential unit and the retention of existing employment sites. Policy LO2 continues to identify that in bringing forward sites for development the emphasis will be on; the town centre, housing development at locations in the town suitable for housing with emphasis on locations within the town centre, employment development and protection of the setting of the local area.
- 92 Policy LO3 of the Core Strategy states that a mix of uses, including commercial and residential, will be retained and enhanced in the town centre. The historic form and character of the town centre will be maintained and the scale of new development consistent will the existing character of the town centre environment.
- 93 The proposed development would be located within Sevenoaks town centre and Sevenoaks urban area, as defined by the ADMP. The proposal would be located within the built confines of an existing settlement which is identified as the primary focus for development in the District.
- 94 The sites location within the town centre ensures that the proposal would be sustainably located, benefitting from local transport networks and local amenities. This is compliant with the aims of policies LO1, LO2 and LO3.
- 95 The proposal would seek to create a mixed use with 9 residential units and the provision of commercial floor-space for a B1 (a) office use. The site consists of a number of individual units, with no's. 11, 9 and 9a requiring refurbishment. The proposals would contribute 9 units to the District's Housing Stock and the provision of a mixed use including office and residential would be supported by policy LO3, subject to compliance with other policies as discussed below.
- 96 Employment Uses
- 97 Policy SP8 of the Core Strategy States that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business areas within Sevenoaks. Redevelopment for mixed use of business sites in urban areas would be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business.
- 98 Policy EMP1 of the Allocations and Development Management Plan (ADMP) states that in accord with policy SP8, the defined employment sites will be retained, intensified and regenerated for B1 - B8 uses.

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- 99 As stated above the application site is partly located within the defined town centre. Further, the site is located within a defined employment site EMP1 (k) Lime Tree Walk, as defined by the ADMP. The employment site covers the entirety of the site and neighbouring land to the south.
- 100 Paragraph 85 (f) of the National Planning Policy Framework (NPPF) states that:
- ‘Planning polices and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should: (f) recognise that residential development often plays an important role in ensuring the viability of centres and encourage residential development on appropriate sites’.
- 101 The site has previously operated with both residential and commercial activities, where part of the site housed auctioneers and other commercial enterprises have historically been linked to the site. No.13 Lime Tree Walk is still in use and no. 5 Lime Tree Walk is a residential unit. However, 11, 9 and 9a Lime Tree walk have been inactive for a number of years.
- 102 The proposed provision of office accommodation reflects the requirements of policy EMP1 and would reintroduce an active employment use onto the site.
- 103 As the site is not located on a primary or secondary retail frontage policy TLC1 seeks to ensure business uses are retained or permitted. The proposal would provide office space with a B1 (a) use which complies with criteria (d) of policy TLC1. SP8 does allow for employment areas to contain a mix of uses including residential where the site requires regeneration. The use for B1(a) and C3 residential use is therefore considered acceptable against policy.
- 104 The NPPF recognises the role residential use impacts local economies and the vitality of town centres. The area would not become inactive in the evening and weekends due to the residential use. This pattern is reflected in the wider town centre with residential development often found above existing commercial buildings. Residential activity is important in ensuring the vitality of town centres, as an increase in residential occupants encourages use of the commercial enterprises within the centre. The mixed use of the site would reflect the emphasis of the NPPF and supporting the local economy.
- 105 In summary, the proposed development would be located in a sustainable location, in the District’s primary centre for development. The proposal would accord with the aims of local policy in providing further office space and creating additional residential units for the local housing stock.

- 106 It is also relevant that the change in land uses was considered acceptable under the 2014 planning application and in 2016, the Inspector considered that bringing the site back into use was a benefit to the proposals and this remains the case.

Density and Residential Mix

- 107 The proposals would provide 9 residential units within a site area of 0.1087 hectares (based on the application form), amounting to a density of 82.8 dwellings per hectare. This is higher than the 75 dwellings per hectare stated in policy SP7 for Sevenoaks Town Centre, however for the reasons described below relating to the character of the area, the proposed density is considered acceptable and makes efficient use of the land.
- 108 Policy SP5 of the Core Strategy states that new housing development will be expected to contribute a mix of different housing types.
- 109 The proposed development would broadly comply with the targets set out in the SHMA and policy SP5. The development would provide approximately 66% two bedrooms, 22% three bedrooms and 11% four bedrooms. This varies across a dwelling house and flats which is welcome. The weighting towards the provision of smaller units in this town centre location is considered acceptable.
- 110 Due to the size of the site and the quantum of development proposed, the development is not liable for an affordable housing contribution.

Heritage and Design - Impact to Conservation Area, Locally Listed Building, setting of both Listed and Locally Listed Buildings and Area of Archaeological Potential and impact to the design and character of the area

- 111 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 112 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 113 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 114 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

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- 115 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 116 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.
- 117 Policy LO3 of the Core Strategy states that the historic form and character of the town centre will be maintained, that new development in the town centre should be of a scale consistent with existing character of the centre and should contribute to improving the quality of the town centre.
- 118 The application site is located to the rear of London Road which forms one the main high street branches of Sevenoaks town centre. The site is located within the designated town centre and part of the site sits within the Sevenoaks High Street Conservation Area. The site additionally is within the setting of several listed buildings (no.49 London Road, no.41 London Rd and 2 - 40 Lime Tree Walk, 21- 27 Lime Tree Walk, 29-31 Lime Tree Walk) and is adjacent to a Locally Listed Building, no.15 Lime Tree Walk.
- 119 The Conservation Area appraisal states that most of the units that front the High Street and London Road are commercial, but that a significant number of residential properties are sited beyond the shops and offices. The appraisal identifies that Lime Tree Walk contains a number of interesting terraced artisan's houses.
- 120 Lime Tree Walk was built between 1878 and 1882 by Sir Thomas Jackson and is of social significance as the housing was designed for working men. The original buildings were conceived as a set piece and as a social experiment including the Temperance Hotel.
- 121 The Conservation Officer has noted that the site has been subject to extensive pre-application advice. The first element of the proposal includes the erection of block A which would create a four bedroom dwelling and abut no.15 Lime Tree Walk, which is a locally listed building. No.15 is a large ornate building with significant detailing to the front façade and western elevation and formally housed the Temperance Hotel.
- 122 Block A would be sited on an area currently used for access and parking in connection with no.13 Lime Tree Walk. However, the site was previously occupied by a building. The former siting of this building is reflected in the flank wall of no.15 which is simply rendered, rather than having the same ornamental detailing seen on the principle elevation or the western flank. This blank elevation and the view of this from the High Street do not contribute positively towards the special interest of either the Conservation Area or the locally listed building and therefore obscuring this elevation, by virtue of the erection of block A is considered to be acceptable in principle.
- 123 Vacant sites within conservation areas can sometimes add character or be adapted over time as public realm that contributes to the special character of the area. In the case of this site, it sits within an urban street, covered in

hardstanding and is enclosed on three sides. The gap in the street affords no heritage value to the setting of the nearby listed buildings or conservation area.

- 124 The applicant is proposing a building of traditional proportions that reflects the design of the former building on the site but with paired down detailing to abut no.15 (block A). This approach is not harmful to the character of the conservation area and reflects the detailing of the historic development. Indeed, the historic design of the area did include a building in this location.
- 125 The Conservation Officer has noted that it is important that in this sensitive site the quality of the detailing and materials of this façade is retained past the application process. As such, it would be appropriate to condition samples of all the external materials and fenestration.
- 126 No. 41 London Road is a Grade II Listed building. The setting of No. 41 will change with the proposed redevelopment of the rear of the site. No 41's principal elevation faces away from the application site, to the south, which means that the proposed development will be viewed behind it when looking directly at the front of the property.
- 127 The setting of No. 41 is characterised by being a residential property within the heart of the town. It reflects the historic grain of the plots which fan away from London Rd. The loss of one of the coach houses (that adjoins the modern extensions to No. 41) will remove a small element of enclosure that is currently experienced by the property. The extent of this enclosure does not impact on the setting of the building which has always been part of the dense built up confines of central Sevenoaks and designed to address the open fields/gardens to the front (south) and not the development to the north. The house continues to address the south with later extensions orientating this way as well. Furthermore the house was always experienced within a developed context and the current proposals retain this setting.
- 128 The proposed refurbishment of no.11 Lime Tree Walk would retain the attractive locally listed building. The building was erected in the late 19th century for commercial activity including that of a coach makers, which is reflected in its design and form. The proposal would seek to convert the upper floor into residential accommodation. The proposed renovation works would preserve the character of the built form which adds value to the character of the Conservation Area.
- 129 In connection with the proposed works to no.11 it would be important to ensure the flank wall is detailed correctly, that the works would be completed prior to occupation of the blocks and dwelling house and internal configuration is appropriate to the historic merits of the building, conditions would therefore be required.
- 130 The proposed residential blocks, identified as C and D would be three storey with shallow offset pitched roofs. The overall height of these units would not exceed the existing built form including that of no.11 and 15 Lime Tree Walk. As a result the buildings would maintain a hierarchy of development,

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with the fronting buildings (11 and 15) retaining the dominance along the street scene.

- 131 Nos. 41 London Road and 15 Lime Tree Walk have three storeys. The set back of the blocks aids in reducing the prominence of the built form. The units would have a contemporary appearance. However, the scale, bulk and mass is reflective of the form commercial use of the site and is not un-characteristic of the urban grain in the area. Appropriate detailing of the built form would be required via condition to ensure high quality materials.
- 132 The Conservation Officer has stated that the development is not considered harmful to the special interest of the setting of the designated heritage assets or the non-designated heritage assets.
- 133 The site is also partially located in an Area of Archaeological Potential. The KCC Archaeological Officer has commented that the site lies in the historic centre of Sevenoaks, although it sits towards the rear of properties and was mostly likely the back yards of said properties or adjacent fields.
- 134 Lime Tree Walk appears on the 2nd Ed OS map as part of the spread of the post medieval settlement of Sevenoaks as a market town. The Archaeological Officer has noted that has some potential for medieval remains, however it is primarily likely to contain post medieval remains which could have been disturbed by the 20th century redevelopment.
- 135 As a result of the potential for article of heritage value being present on the site the Officer has recommended two conditions. The conditions would be related to building recording and programme of archaeological work. Given the location of the site and the potential for finds of heritage value the conditions would be considered appropriate.
- 136 The proposed density figure, discussed above, reflects that a number of the units would be flats and within 3 storey blocks. The scheme has been designed such, that the proposed blocks and dwelling would not significantly exceed the ridge height of surrounding units. The proposed density would be considered to reflect the surrounding density pattern and would be appropriate in light of the framework and emerging guidance.
- 137 In 2014 the planning inspector dismissed the appeal against the refusal of permission for application 14/02809/FUL. The scheme in 2014 was substantively different to current application, in that the proposal sought to demolish all buildings on site including no.11, which is a non-designated heritage asset (locally listed building). The proposed built form in 2014 was also for a large block of 14 apartments which, as the inspector stated, did not retain the fine grain and scale of the Conservation Area as a whole. The current proposal seeks to restore and retain the non-designated heritage asset i.e. no.11. Further, the proposal seeks to introduce a dwelling house and two blocks of three storeys, the proposed scheme would break up the bulk and massing in comparison to that submitted in 2014. Additionally, the proposal would create a varied typology and would better reflect the urban grain and context due the height, siting and scale. It is therefore considered

that the earlier concerns of the Planning Inspector have been addressed through this revised scheme.

- 138 Overall, the proposed development would conserve and in some instance enhance the character and appearance of the Conservation Area and setting of both non-designated and designated heritage assets. The proposal would be in keeping with the density and urban grain of the town centre location. The proposal would be considered policy compliant in regard to the design and impact to heritage.

Impact to neighbouring amenity:

- 139 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. Policy EN7 of the ADMP states that development should not have an unacceptable impact on the indoor and outdoor acoustic environment including existing and future occupiers. The main properties likely to be affected by the development can be considered in turn:
- 140 49 London Road:
- 141 49 London Road is located to the east of the application site. The building is two storey and currently houses an orthodontists practice. The rear wall of no.49 aligns with no. 11 Lime Tree Walk, and contains a single window at first floor facing toward the development. The overall scale of no.11 would not be altered and as such the relationship between the units would not be significantly different. Oblique views toward the proposed 3 storey flat block would be visible from the rear of 49.
- 142 While a planning permission for first floor residential use is not apparent it appears there may be residential activity at first floor. As stated above the single window at first floor would have view of block C but this would not significantly impact the outlook of the first floor unit as a whole. Further as the unit has windows facing north outlook and light would be retained to the first floor.
- 143 The proposal would see an uplift in the number of vehicles passing the rear of no.49. However, the building is located next to London Road, a busy central road in Sevenoaks. The resultant noise impaction would be acceptable given the current context of the site.
- 144 Due to the use of the building and the existing relationship with built form the proposal would not result in a significant loss of light, outlook or privacy.
- 145 41 London Road:
- 146 41 London Road is located to the southern boundary of the site. The property is set back from London Road, with a small courtyard garden/parking area. No. 41 is attached to no. 5 Lime Tree Walk which is to be demolished. Third party comments have raised concern with regard to

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the demolition. However, this is a private civil matter. An informative with regard to the Party Wall Act would be attached to any grant of consent.

- 147 No. 41's side elevation faces toward the application site and would primarily have a view of the southernmost flat block. No. 41 is a three storey residential dwelling, the building is staggered with single storey elements of the built form extending to the west towards the site, which culminates in a single storey garage.
- 148 Block C would contain six windows at first and second floor along its southern elevation which faces towards no.41. The windows would be obscure glazed and prevent a direct outlook toward no.41. While windows along the eastern elevation may gain oblique views of no.41 these would not be direct and therefore would not have a significant impact.
- 149 Block D is located to the west of no.41 and would contain six windows/Juliet windows facing toward no.41. These would have a more direct overlook. However, as general rule in both urban and rural locations a distance of 21m is considered sufficient to prevent a significant loss of amenity. In this instance the approximate distance between the proposed block and no.41 first and second floor would be 20.917m.
- 150 The distance between no.41 and block D is fairly substantive given the town centre location and urban environment. Further the windows to the western elevation at first and second floor of no.41 serve bathrooms or act as secondary windows for bedrooms. Arguments that no.41 is overlooked by the existing office block to the south of the site are noted, however an office building does have a different relationship to a residential building.
- 151 Part of the single storey element of the building of no.41 does have a glazed roof serving the dining area. The glazed roof sits closer to the development site and some view to the internal part of no.41 may be visible. In such a town centre location where density are expected to be as encaged by the framework to be higher such a relationship is not unexpected. Further, while the courtyard garden/parking area does enjoy relative privacy it is adjoin public car parks and is located in a dense environment in which overlooking is not uncommon. On balance, a significant loss of privacy would not occur.
- 152 The first and second floors of no.41 would have a view of the proposed block D. A view cannot be protected by planning legislation. As discussed above, the side first and second floor windows either serve bathrooms (non-habitable) or are secondary points of outlook to bedrooms. As a result of the above and separation of the two units significant visual intrusion would not occur to outlook.
- 153 The main façade of no.41 faces south and receives direct sunlight. The proposed development would not directly obscure the sunlight received to the dwelling. Further the openings to the west of no.41 which face towards the development serve either non-habitable bathrooms or have secondary

sources of light from the southern elevation. A significant loss of daylight/sunlight would not therefore occur.

154 15 Lime Tree Walk:

155 15 Lime Tree Walk is located to the west of the site and the proposal would see the construction of a dwelling adjacent to its eastern elevation. Again a party wall agreement may be required but this is not a material planning consideration.

156 15 Lime Tree Walk provides office accommodation for a number of businesses and does not house residential accommodation. A loss of privacy would therefore be limited by virtue of the use of the building. The proposal would result in the shadowing of two offices within the building.

157 The ground floor window on the eastern flank elevation of no.15 Lime Tree Walk is obscure glazed. The window would not be directly obscured by the flank elevation of block A. The outlook would be somewhat limited to the oblique views, but the proximity of no.11 Lime Tree Walk would remain. The window is the only source of light to the room and shadowing would occur as a result of the proposal. However, due to the flexible approach required and the use of the space. The building as a whole would retain sufficient light. The first floor window along the eastern flank would again see some loss of outlook, although sky component would be maintained to a degree.

158 To the rear southern elevation another office window would overlook block D. A degree of separation would be maintained between block D and the southern flank elevation. The window currently looks out at the slop of the roof of no.13 and the outlook is already limited as a result. Other windows serve bathrooms or have dual outlook.

159 Overall, the impact to no.15 as a result of the works would not see a wholesale loss of amenity and the function of the building would not be harmed. While it is appreciated that construction processes do result in noise and disturbance this is primarily controlled separately under Environmental Health legislation. However, again the proximity to the office centre would mean a construction management plan would be appropriate.

160 Sennocke Court:

161 Sennocke Court is located to the west of the application site and contains a number of residential flats. The proposed development would see the loss of no.13 Lime Tree Walk, which would be replace with a three storey flat block (block D). The western elevation of the building would face towards the rear car park of the Sennocke Court. The northern elevation of block D would face towards the business centre. Direct view or overlook of Sennocke Court would not occur.

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- 162 Due to the oblique relationship between block D and the rest of the development and the outlook of Sennocke Court facing south, significant visual intrusion to neighbouring outlook would not occur.
- 163 Due to the fact proposed block D would sit to the rear and side of Sennocke Court, which has a southern facing rear elevation a significant loss of daylight/sunlight would not occur.
- 164 12 - 2A Lime Tree Walk:
- 165 A row of terraced dwellings sit to the north of the site and on the opposite side of Lime Tree Walk. The proposal would see the conversion of no.11 Lime Tree Walk. The facing bulk and mass of this unit would not be significantly altered and as such further visual intrusion, loss of daylight and sunlight would not occur.
- 166 Block C would be set back within the site and its northern side windows would face towards the roof of no.11. While the converted first floor of no. 11 Lime Tree Walk would house residential units, the proximity of built form to the terrace properties is common to the context of the area and a significant loss of privacy and outlook would not occur.
- 167 The proposal would also see the infilling of the gap between the business centre (15 Lime Tree Walk) and no.11. The front elevation of the proposed infill dwelling would contain 6 windows and would be three storeys. The proposed infill would mainly sit directly in front of 2 and 4 Lime Tree Walk.
- 168 The proposed unit A would be separated by the road, Lime Tree Walk. A 25 degree BRE test for outlook was conducted and failed. However, the pattern of development sees the terraced units facing towards built context, with no.6 Lime Tree Walk facing the 3 storeys of the business centre. While block A would be visible from the terraced units, a view cannot be protected, and view out onto the street would still be retained as a result of the intervening road.
- 169 The terraced dwellings face south. Currently, no.11 and no.15 Lime Tree Walk are sited to the other side of the road to the terrace dwelling and establish a relationship and pattern of development. The proposal would pass a 45 degree light test on elevation and daylight would still filter into the properties opposite proposed block A. Some shadowing may occur and the degree of light slightly reduced but this relationship is common on the road and policy does not prevent some loss of light. The dwellings as a whole would retain daylight.
- 170 3 & 3A Lime Tree Walk:
- 171 3 & 3A Lime Tree Walk are located to the east of the application site and are adjoined to no.5 Lime Tree Walk. The main direction of outlook is to the north up the access route to the site. 3 & 3A outlook would experience oblique views of block C but the overall outlook would not be directly obscured. Block C would have oblique views towards no.3 and 3A. However,

views of this area are already obtained from the rear openings of properties along London Road.

- 172 The main outlook points which allow filtration of light to 3 and 3A exist on the front façade of the units which face north. These elements do not receive direct sunlight. The proposal would not see the increase in bulk of no.11 Lime Tree Walk and block C would align with no.11 and would not encroach on these outlook points. Some further shadowing may occur to nos. 3 & 3A but not significantly alter the daylight which would filter through from the access.
- 173 Paragraph 123 (c) of the National Planning Policy Framework states that:

‘Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards’.
- 174 The proposal would result in some instances altered outlooks and result in some shadowing. The tests applied do not prevent a degree of harm resulting from proposals and matters such as right to light are separate civil matters. The framework is clear that a flexible approach is appropriate when considering amenity issues and ensuring efficient land use.
- 175 The properties would still retain outlook to the dwellings as a whole. Lime Tree Walk has an existing close relationship between properties in the way the road was originally constructed. This likely results from the proximity to the town centre and the urban environment, where such proximity of built form is common. Overall, the harm would not be so sufficient as to on balance warrant a refusal.
- 176 The proposal would see an increase in vehicle movements on site. The site is surrounded by a number of busy roads such as London Road and a car park sits to the south of the site. The resultant impact as a result of noise would not be significantly out of place from the urban context of the site.
- 177 Proposed units:
- 178 The proposed dwelling house (Block A) would have dual outlook with windows facing north and south. The dwelling would therefore benefit from outlook and allow natural light to filter into the dwelling. The dwelling would sit opposite the dwellings on Lime Tree Walk and to the rear block D would be located approximately 15.4m away. The separation is common in the pattern of density in the area with mainly bedroom windows facing towards the unit.
- 179 Block B to be located above no.11 Lime Tree Walk. The units’ windows would provide outlook from the habitable rooms and would allow natural

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light into the unit. The southern elevation would not contain openings and the western elevation of proposed block A would also not contain openings. The surrounding area is densely populated and the privacy afforded to the unit would be characteristic of the sites context.

- 180 Block C would sit central to the development. The block would have openings for the habitable rooms which would allow outlook and allow light to filter into the properties. At ground floor the unit would face towards the access and the communal garden. However, defensible planting has been included along the western elevation to provide a degree of privacy.
- 181 Block D would be located to the north west of the site. The habitable rooms would contain outlook points which would also allow natural light into the individual units. The habitable rooms, for the most part, have dual outlook which also allows privacy to the units relative to the context of the sites location in a town centre.
- 182 All of the proposed units would have access to a shared communal garden and Block A would have a very small private amenity area. While the amenity space would be limited, in a town centre location this would be expected and courtyard style gardens are common in urban locations. The site is also in close proximity to publically accessible open spaces such as Knole Park and the Vine.
- 183 Other dwellings in the surrounding are either at a sufficient distance or orientation that a significant loss of amenity would not occur as a result of the proposal. On balance in mind of the presumption in favour of development the proposal would accord with policy EN2 of the ADMP and the revised framework.

Impact to highways and parking:

- 184 Policies EN1 and EN2 state 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 vehicle parking provision should be made in accordance with KCC vehicle parking stands, found in appendix 2.
- 185 The guidance table for residential parking in appendix 2 states that a maximum of 1 space per unit is advised. For 1 and 2 bedroom flats a reduced or even nil provision is encouraged in support of making efficient use of land. For flats or houses with more than 2 bedrooms the parking can be provided in the form of parking or garage courts.
- 186 Policy T2 does identify that notwithstanding the parking standards, the Council may depart from established maxima or minima standards in order to take account of specific local circumstances, that may allow higher or lower parking provision due to the sites accessibility to public transport, shops and services. Or to ensure the restoration or re-use of listed buildings and take into account existing parking provision in the local area.

- 187 Paragraph 109 of the National Planning Policy Framework states that:

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be serve’.
- 188 The development would provide 10 parking spaces within ground floor garages/ parking courts which are to be found in the proposed residential blocks (c and d). The proposal would therefore met the prescribed residential parking requirements, which are maximum standards. The additional parking space could represent a visitor parking space, which would be secured via condition. A condition would also be applied to ensure that the dwelling house and apartment in 11 Lime Tree Walk would have an allocated space.
- 189 The proposed development has also indicated that 8 secured bike stands would be provided within the communal courtyard. Further, a small amenity area to the rear of the proposed dwelling house (block a) would have sufficient space for a further cycle stand. All of the units would therefore have access to cycle parking.
- 190 No allocated parking for the proposed commercial (office) space, located at the ground floor of 11 Lime Tree Walk has been proposed. The Kent County Council parking standards provide a maximum guidance as to the number of parking spaces for office use, the plan states that:

‘Local authorities will use their discretion in the application of the standards in town and district centres, having regard to the availability of public off street parking and the need to encourage the vitality of centres and investments in them. Less on-street parking provision may be justified for offices located in town centres than those in out of town centre locations’.
- 191 In this instance the office would be located within the defined town centre. The site is located close to local transport networks including the railway line. Sevenoaks town also has a number of car parks which could accommodate a degree of parking. The proposed office space would be around 134sqm and so the scale of any business would be fairly limited. On this basis the proposal would not result in a serve impact on the highway as a result of parking. However, as per the Highways Officers comments in 2017 a condition requiring two cycle parking spaces could be applied to any consent for the use of the commercial space.
- 192 The application site does currently benefit from an existing access, which is narrow. Traffic speeds and movements reflect the narrow nature of the surrounding roads and the part residential nature of the local area. As part of the 2017 application the Highways Officer had requested dimensioned plans due to concerns with vehicles reversing onto the highway. The current proposal has illustrated vehicle access to the site. Further, the proposal has reduced the overall scale of the development.

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- 193 As part of the 2020 application the Highways Officer has stated that the proposal would not affect the highway related aspects of the application and does not raise any object to the proposal. Third party comments have raised concerns with regard to the additional traffic movements. The framework is clear that to justify a refusal, a severe impact to the highway would need to result from the proposal. A net gain of 8 residential units would not result in a degree of harm that would be considered sever in a town centre location.
- 194 Third parties have also raised concerns with the construction process given the confined nature of the site and the narrow nature of the surrounding roads. While not suggested by Highways it would be appropriate to condition any application to provide a construction management plan. Planning applications must be considered on the basis of the impact of the development once in situ, as such building works would not form a material part of a planning assessment. Yet, the density of the area would mean such a plan would aid in reducing the impacts resultant from construction.
- 195 The proposal has included refuse storage within the two residential blocks of flats, the conversion of no.11 and within the small amenity area of the proposed dwelling. A condition would be imposed to ensure each unit, including the commercial property, would have access to and sufficient capacity for the storage of refuse.
- 196 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. A condition to secure vehicle charging points would be applied to any granted consent.
- 197 Overall, KCC Highways have not objected to the proposal and the provision of parking and access is considered acceptable given the town centre location. Subject to conditions the proposal would be considered to comply with highways and parking policy.

Trees and Landscaping:

- 198 The application site does not itself contain any landscaping of note or that contributes to the areas visual amenity. Some over growth has occurred over the years, however this again is not of significant value to the area. The SDC Tree Officer has noted a line of trees covered by Tree Preservation orders to the southern boundary.
- 199 An Arboricultural Impact Assessment was submitted with the proposal. The assessment identified that the trees were located outside of the site and that no tree protection measures were required as the trees are already separated from the site by existing walls and structures. The SDC Tree Officer was satisfied with the reports assessment.
- 200 The proposal has indicative landscaping treatments proposed. These would be located to the south of the site and to the proposed communal courtyard. It would be appropriate to secure further landscaping details via

condition. The proposal could result in a net gain in regard to vegetation and the planting of native species work towards ecological gains on site.

Public Right of Way:

- 201 A Public Right of Way runs to the west of the application site and runs adjacent to no. 15 Lime Tree Walk and kinks out at no.13 Lime Tree Walk. The Public Right of Way Officer stated in 2017 that the proposal would not affect the Right of Way. The proposal has seen a reduction in the proposed bulk and mass since 2017 and the impact to the Public Right of Way would not be further impacted.
- 202 The Officer did note previous plans defined the access as private. An informative would be attached notifying that the Public Right of Way cannot be stopped up or diverted as a result of the development. Separate legislation monitors the use and access of Public Rights of Way.

Contaminated Land:

- 203 Environmental Health were consulted on the application in 2017 and 2020. The Officer has noted that they have no further observations than those provided in 2017, which are still relevant.
- 204 The Environmental Health Officer noted that no.11 Lime Tree Walk was a former garage and workshop. The proposal would seek to accommodate office space at ground floor with residential at first and second floor. The Officer has advised that as a result of the former use there is potential for some contamination of this land. Given the potential for any such contamination to spill to the adjoining land, and given the residential uses proposed, it would be appropriate to apply a contaminated land condition to ensure correct remediation is undertaken if contaminants are found on site. This would be applied to any grant of consent.
- 205 The Officer has also noted that the proximity of residential and commercial uses can have resultant impacts on noise levels. No.15 Lime Tree Walk already houses office accommodation and the conversion of no.11 would result in further office use. To ensure that further harm would not result from noise to future or existing occupants the use would be secured by condition to prevent lawful change of use.
- 206 Further to the above, a condition for a detailed sound insulation would be appropriate to ensure that future residents are not subject to significant noise impacts from above. While it is understood that the construction phase of a development does result in noise implications for existing residents the proposal must be considered on the basis of the proposed development once in situ. However, as with the above highways assessment a construction management plan would seek to secure working hours to ensure construction would not take place at unreasonable hours.
- 207 The proposal has detailed refuse accommodation for the proposal. However, the Environmental Health Officer has requested further details to ensure

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the refuse is screened appropriately and would have sufficient capacity for the scale of the development. This would be again secured by condition, with particular reference to block A for which the refuse should not be stored against the flank wall of no.15 Lime Tree Walk.

Biodiversity:

- 208 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 209 The application site is located within an urban area. In accord with policy SP11 the site could offer the potential for ecological gains. A condition securing some ecological enhancements would be applied to any consent. Bird boxes and native species planting could offer gains in accordance with policy SP11.
- 210 Third parties have raised concerns with regard to the demolition proposed and the presence of breeding birds' nests. Breeding birds' nests are protected by separate ecological legislation, an informative would be attached to any grant of permission.

Other Issues

- 211 Other issues which have been raised within public consultation, but not considered above, include:

- 212 Consultation process - COVID-19:

The recent consultation has occurred as a result of ongoing discussions and amendments to the proposal originally submitted in 2017. The Secretary of State asserted that the planning process should continue during the pandemic to ensure development continued for economic growth. The re-consultation included a site notice and statutory consultation neighbour letters, the proposal would also have featured on the weekly lists of planning applications which are published on the website. The amendments were processed on the 12th of May 2020 and a site notice displayed on said day. Despite the circumstances created by Covid-19 the Council was able to ensure its statutory obligations for public consultation were met.

- 213 Legal Covenants:

Third party comments have raised a legal covenant connected with the land between no.11 Lime Tree Walk and no. 15 Lime Tree Walk, which prevents the construction of built form in the location of the proposed dwelling. Legal covenants are not a material planning consideration and would not prevent the issuing of a planning decision. The legal right to implement any permission would be a separate legal matter.

214 Construction process/health:

Planning applications must be assessed in accordance with the impact of the development once in-situ and the impact of the construction process is a temporary disturbance. However, a construction management plan would be required to aid in reducing the overall impact to surrounding occupants and the highway network. Separate Environmental Health legislation exists to enforcement against significant noise or disturbance should it occur.

215 Party Wall:

The proposed development may require party wall agreements in reference to the abutment to no.15 and the demolition of no.5 Lime Tree Walk. These are civil matters and are not material planning considerations.

Community Infrastructure Levy (CIL)

216 This proposal is CIL liable and there is no application for an exemption. Kent County Council have requested financial contributions to be secured as part of a legal agreement to mitigate the impact of the development on local infrastructure. However, as Sevenoaks District Council is now a CIL charging authority, these contributions cannot be secured through a legal agreement. CIL contributions are instead intended to fund infrastructure to support development.

Tilted Balance

217 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

Conclusion

218 The principle of development is accepted given the sustainable location of the site in Sevenoaks town centre, which is the primary location for development in the District. The proposal would conserve and in part enhance the character of the Conservation Area and would preserve the setting of the listed buildings. The proposal would, on balance, have an acceptable impact to amenity and provide an acceptable density.

219 The proposal would not result in a severe impact to highways. The proposal would be considered to be policy compliant, subject to conditions.

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Background Papers

Site and Block Plan

Contact Officer(s): Emma Gore 01732 227000

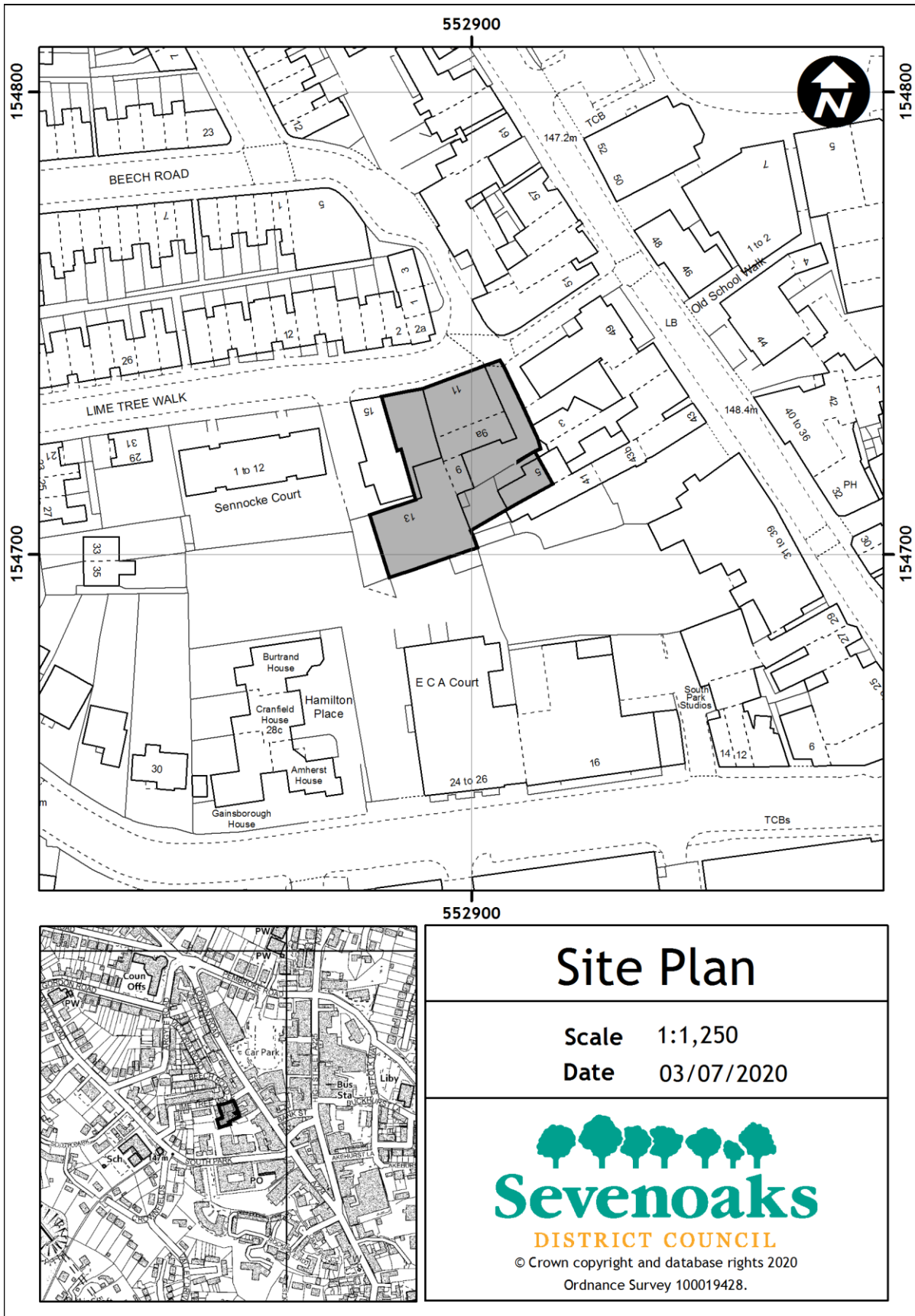
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUJ370BKN2Q00>



Site Plan

Scale 1:1,250

Date 03/07/2020



DISTRICT COUNCIL

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Ordnance Survey 100019428.



4.2 20/00847/LDCEX Date expired 15 May 2020

Proposal: Use of the building as a dwellinghouse.

Location: Land Rear Of Little Buckhurst Barn, Hever Lane, Hever
KENT TN8 7ET

Ward(s): Cowden & Hever

Item for decision

The application has been referred to the Development Control Committee by Councillor Dickins for the committee to consider whether the evidence available justifies the grant of the Lawful Development Certificate.

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

Evidence has been submitted which demonstrates, on the balance of probability, that the building located on land rear of Little Buckhurst Barn has been used as a separate residential dwelling for more than 4 years and is therefore immune from enforcement action and lawful, in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

Description of site

- 1 The application site comprises a large detached building on the western side of Hever Lane within both the Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty.
- 2 The building is located to rear of Little Buckhurst Barn, on elevated ground and is accessed via a long track leading from Hever Lane.
- 3 The site is set well back from the public highway which results in it not being widely visible from the public realm.
- 4 This building is known on the Council's records as Land rear of Little Buckhurst Barn. The applicant's Planning Statement confirms that the applicant refers to the building as "Little Buckhurst Stables".

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Description of proposal

- 5 The Lawful Development Certificate seeks confirmation that the building known as Land rear of Little Buckhurst Barn has been used as a dwellinghouse for a continuous period of at least 4 years.
- 6 This application is a resubmission of the refused application 19/01445/LDCEX. This application includes additional evidence from the applicant which did not form part of the earlier application.

Relevant planning history

- 7 Relating to the building in question (Land rear of Little Buckhurst Barn):
- 8 SW/5/55/6577 - Lean to extension to existing shed. GRANT
- 9 19/01445/LDCEX - Use of the building as a dwelling house. REFUSED at planning committee on 18 December 2019 as Members considered that insufficient evidence had been submitted to demonstrate, on the balance of probabilities, that the building had been used as a dwelling for a continuous period of four years.
- 10 Relating to the main dwelling (Little Buckhurst Barn):
- 11 93/00806/HIST - Renewal of planning permission SE/89/0263 to convert redundant barn to dwelling. GRANT
- 12 01/01063/CONVAR - Proposed conversion of garage to ancillary accommodation (revised scheme). GRANT
- 13 13/02619/HOUSE - Erection of a single storey rear extension and link extension. Alteration to main dwelling. Part demolition of existing retaining wall and proposed hard landscaping. GRANT

Policies and legislation

- 14 Town and Country Planning Act 1990 (as amended)
NPPG

Constraints

- 15 The site lies within the following constraints
 - High Weald Area of Outstanding Natural Beauty
 - Metropolitan Green Belt

Consultations

- 16 Hever Parish Council:
- 17 Object to this application and have made the following comments;
- 18 “We repeat the comments made on the previous application. There is a consensus from a number of local residents that the declared facts of *continuous* residence from the date stated in the application are not correct as the applicants did not live there continuously or without interruption. Locals would be prepared to swear an oath to this. This would indicate that the unauthorised use is not immune from planning enforcement.
- 19 The Sutton and East Surrey water statement (exhibit N) is a nominal sum and time period of 6 days / £ 2.55 which is not useful evidence. The EDF energy bill (exhibit O) is for both properties (Barn and Stables) *combined* and predicts a usage that will cost £638.10 - which is under that perhaps expected to run 2 properties with continuous residence (2 adults and 1 child in the stables) plus Barn occupant/s.
- 20 We note the absence of council tax, electoral roll or vehicle registration documents”.

Representations

- 21 We received the following comments
- 1 letter neither supporting nor objecting.
 - 6 sworn Statutory Declarations setting out evidence in objection.
 - 1 objection from Hever Residents Association stating that there is still insufficient evidence.

Chief Planning Officer’s appraisal

- 22 Background to Lawful Development Certificates:
- 23 The Government’s Planning Practice states that when considering an application for a lawful development certificate: “A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.”
- 24 This application is submitted under s191 of the Town and Country Planning Act 1990, seeking to establish the lawful use of the building as a residential dwelling. Section 191 (2) states that:

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- 25 For the purposes of this Act uses and operations are lawful at any time if—
- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- 26 The time limits for taking enforcement action are set out in s171B of the Town and Country Planning Act 1990 and the NPPF Planning Practice Guidance summarises this as follows:
- 27 Development becomes immune from enforcement if no action is taken:
- Within four years of substantial completion for a breach of planning control consisting of operational development;
 - Within four years for an unauthorised change of use to a single dwellinghouse;
 - Within ten years for any other breach of planning control (essentially other changes of use). However, this would also relate to non-compliance with a condition.
- 28 With regard to the degree of information to be submitted in support of such applications, the NPPF Planning Practice Guide explains that:
- “In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”
- 29 Therefore in this case the Local Planning Authority are required to assess whether, on the balance of probability, there is sufficient evidence to demonstrate that the building in question has existed as a dwelling house for a period of 4 years since the date of this application (since 20.03.2016).

Background

- 30 The application seeks confirmation that the building to the rear (north-west) of Little Buckhurst Barn has been used as a self-contained dwellinghouse in its own right. The information submitted for this application correctly identifies the relevant test in this case is a 4 year period.

- 31 Land registry documents obtained by the Local Planning Authority show that Little Buckhurst (the neighbouring property to the east), Little Buckhurst Barn (the main dwelling) and Land Rear of Little Buckhurst Barn (the building in question) were once part of the same title and within the same ownership (known collectively as Little Buckhurst).
- 32 Looking at the planning history for Little Buckhurst a planning application was granted under reference SW/5/55/6577 for; ‘a lean to extension to existing shed’. The plan for that application identifies ‘the existing shed’ to be the building in question for this application.
- 33 For clarity, there are a number of planning applications relating to the main dwelling, Little Buckhurst Barn. Little Buckhurst Barn was once redundant and planning permission was granted for its conversion as you see it today and should not be confused with any works carried out on the building in question, which is subject to this application.

Evidence Available

- 34 Summary of evidence submitted by the applicant in support of the application:

Evidence Source	Evidence
<p>Statutory Declaration signed by applicant Mr R Barnett.</p>	<p>States the following:</p> <ul style="list-style-type: none"> • He and his partner, Mrs Isabel Fox purchased Little Buckhurst Barn in 2012. • The site contained an adjacent garage building (now converted into an annex) and there was a large storage and office building in the field behind the house, alongside some existing stables. The larger building had power, water, drainage as well as basic kitchen and bathroom facilities. • In 2014 work began on the conversion of the storage and office building and it was completed in December 2014. • Southern Water updates their records to include Little Buckhurst Stables in August 2015.

	<p>The applicant has submitted 15 exhibits to accompany the statutory declaration.</p> <p>Exhibit A: Site location plan identifying the building and adjacent stables.</p> <p>Exhibit B: Floorplans of the internal layout of the building.</p> <p>Exhibit C: Invoice from Project Aluminium showing an order date of 20th September 2014 and invoice date of 27th October 2014.</p> <p>Exhibit D: Photograph of windows and doors invoiced for by Project Aluminium.</p> <p>Exhibit E: Invoice from ERS Maintenance and Refurbishments dated 8th December 2014 for supplying and fitting kitchen.</p> <p>Exhibit F: Invoice from Jelly Plumbing dated 20th December 2014 for underfloor heating, bathroom and plumbing works.</p> <p>Exhibit G: Signed statement from Mr Angus Clifford Baynes confirm that he worked on building renovations at the building in question in 2014. He has also stated that the applicants have resided in the building continuously since January 2015.</p> <p>Exhibit H: Statements from Mr Peter Hendry (tenant who lives in Little Buckhurst Barn), Jan Biddle (local farmer), Mel Sassa (family friend) and Colin Dixon (family friend) confirm that the applicants have resided in the building since January 2015.</p> <p>Exhibit I: Statements from builders, Mr Elliot Stannard and Mr Patrick Purcell confirm they have undertaken maintenance work at the property and the applicants have resided in the building since January 2015.</p> <p>Exhibit J: Letter from N Power addressed to 'Stables and Barn' dated 15th January 2014.</p> <p>Exhibit K: Confirmation Letter and Insurance Schedule from NFU Mutual Insurance dated 12th December 2017.</p>
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	<p>Exhibit L: Final Tenants report confirming occupation dates of Lord Marcus Winter at Little Buckhurst Barn (main dwelling) from 7th July 2015 for 12 months.</p> <p>Exhibit M: Application form submitted to SDC Street Naming and Numbering in September 2015 in order to place the building on the register naming it ‘Little Buckhurst Stables’. Cheque and form returned in the absence of planning and building control references.</p> <p>Exhibit N: Wastewater bills from Sutton and East Surrey Water dated 1st July 2015 and 23rd February 2016.</p> <p>Exhibit O: Letter from Sky TV confirming arrangement for Sky to be installed in the building in question for March 2016. Electricity Bills from EDF covering a period from 16th August 2017 - 11 March 2019 addressed with a supply address of Little Buckhurst Barn but addressed to Little Buckhurst Barn and Stables (the building in question).</p>
<p>Statutory Declaration signed by Mrs Rosemary Fox (mother in law to applicant)</p>	<p>States the following:</p> <ul style="list-style-type: none"> • Confirms that her daughter Mrs Isabel Fox and her son in law Russell Barnett and granddaughter Tiggy Barnett born November 2016 have lived in the building behind Little Buckhurst Barn since the start of 2015. • States that her daughter Mrs Isabel Fox moved out of her house in 1996 and only moved back in 2012/2013 for a short time due to illness. She then moved to Little Buckhurst Barn in 2013 and then moved to their family home since 2015 which is Little Buckhurst Stables located at the rear of Little Buckhurst Barn. • That since her granddaughter Tiggy has been born she has looked after her most Fridays at the family home behind Little Buckhurst Barn. • That they are frequently at Little Buckhurst Stables with the family for parties and celebrations and spent Christmas day 2018 there.

<p>Statutory Declaration signed by Mrs Isabel Fox wife of applicant Mr R Barnett.</p>	<p>States the following:</p> <ul style="list-style-type: none"> • That she along with her husband purchased Little Buckhurst Barn in 2011 and have lived in the building located at the rear of Little Buckhurst Barn since 2015. • That they moved from the main house Little Buckhurst Barn into the converted stable building to the rear in 2015. • That since 2013 she has commuted into London for work and has used local facilities in and around Hever such as dentists in Oxted, hairdressers in Westerham, the doctors in Edenbridge and Pembury Hospital for an operation in 2015. • That during her pregnancy all hospital and doctors' appointments were local at Pembury and Edenbridge. • Includes an image of a personal child health record, medical records, birth certificate, and certificate of baptism for her daughter Tiggy this is however all addressed to Mrs Isabel Fox at Little Buckhurst Barn. • Includes an image of an email from their hired nanny Alix Geer nee. Lancey. The email explains that she was employed through a company called Pure Nannies to look after Tiggy Barnett (daughter of Mrs Isabel Fox and Russell Barnett). The email, states that she was employed from 8 March 2017 until present to care and supervise Tiggy at the family home which she confirms was Little Buckhurst Barn Stables. She also confirms that on occasion she would stay at the property overnight whilst the parents were away. A number of photographs of Tiggy and the nanny (Alix Geer nee. Lancey) and the family in and around the property and land are also included. • All the vehicles the applicants have used are indeed registered to Little Buckhurst Barn but are parked outside the stables where they have lived since 2015 and this is clearly visible from Hever Lane.
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	<ul style="list-style-type: none"> • They have a cleaner every week (Mel Crawford) although no documents on this are submitted. • A variety of documents are in her possession with the address on them which include a P45, payslip, mortgages, pension plans, DBS checks, and investment funds from 2013 to present. Although following attempted frauds it is stated that post was re-directed to the main house.
Statutory Declaration signed by Ms Belinda St John - Slater.	<p>States the following:</p> <ul style="list-style-type: none"> • Both Isabel Fox and Russell Barnett moved into the barn at the rear of Little Buckhurst Barn in January 2015. • Has visited them and their daughter Tiggy on numerous occasions for coffee mornings, barbeques and dinner parties.
Covering Letter/Statement Dated 14 May 2019	<ul style="list-style-type: none"> • Sets out the background to the site and a summary of evidence submitted. • States the applicant converted the building in 2014 and has resided in it since January 2015. • Sets out the planning law considerations for determining this application.

35 Summary of evidence submitted by the applicant in the form of the Supplementary Planning Statement in support of the application:

Evidence Source	Evidence
Supplementary Planning Statement (SPS) Ref JA/19/90	<p>States the following;</p> <p>The evidence within the SPS does not definitively demonstrate that the applicants were residing at Little Buckhurst Stables, but seeks to demonstrate that they were not living at Little Buckhurst Barn throughout the relevant period as the property was either tenanted or being renovated.</p>

	<p>5 appendices have been submitted to support this claim;</p> <p>Appendix 1: Shows letter from Council Tax claiming 100% discount for unoccupied homes from 1.4.15 - 29.6.15 for Little Buckhurst Barn (main dwelling). Limited to 3 months discount.</p> <p>Appendix 2: Letter from Eden Lettings and Sales with a date of 7 July 2015. Applicant states tenanted by Lord Winter who was evicted in 2017 and left property in a state of disrepair and uninhabitable.</p> <p>Appendix 3: In August 2017 an application was made to Sevenoaks Council Tax department for an 'Uninhabitable Property Application'.</p> <p>Appendix 4: Council Tax letter dated 17.8.17 confirming that a discount for unoccupied and unfurnished homes had been applied which covered the period 16.8.17 - 31.3.18.</p> <p>Appendix 5: September 2018 - Present. Little Buckhurst Barn tenanted by Peter Hendry on Assured Shorthold Tenancy.</p> <p>The SPS also states the following;</p> <ul style="list-style-type: none">• Highlights the applicant's daughter was born in 2016 and several visits were made to Little Buckhurst Stables by health visitors prior to her birth.• States the applicant owns a London property but has either been going through remedial works or tenanted. It was tenanted between January 2013 - September 2015. A water leak in 2015 resulted in remedial works until May 2016. It was then tenanted between August 2016 - May 2017 and then from November 2017 to the present day.
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36 Summary of evidence held by the Council:

Evidence Source	Evidence
Sevenoaks District Council Tax records	Information obtained on 23 July 2019 shows the building in question was only brought into banding for Council Tax purposes since May 2019.
Sevenoaks District Council Aerial Mapping	<p>2012 - It can be seen that no track has been created to the building, but access from Hever Lane and gate is in place.</p> <p>2015/2016- New roof to building, rear patio area, parking and turning area for cars and access track are all visible. Cars can be seen parked outside the building.</p>

Analysis of the Evidence

37 One of the applicants’ (Mr R Barnett) Statutory Declaration provides significant weight in consideration as it is a legal declaration. This was previously submitted for the application considered and refused at committee in December 2019. This declaration sets out the background of the site at the time of purchase in 2012, confirms works started on converting the building in question in 2014 and were completed the same year; and that Mr R Barnett’s and his partner Mrs I Fox have resided in the property since January 2015. The declaration also sets out the exhibits and endorses these by including them within the declaration.

38 A Statutory Declaration has also now been provided by Mrs Isabel Fox (the wife of Mr R Barnett) and this again provides significant weight in consideration as it is a legal declaration. This declaration was not submitted for the previous application. This declaration sets out some of the background of the site and states that Mrs I Fox resided in the property since January 2015 with her partner Mr R Barnett. The declaration also includes as detailed above a series of photographs and images of documents to endorse the declaration. This includes details of the birth of the applicants’ daughter, Tiggy, including details of her baptism at Chiddingstone Church in 2017, and confirmation from their nanny that she was permanently employed between 2017 and the present day to look after Tiggy at the building located to the rear of Little Buckhurst Barn. This further reinforces the evidence already provided which demonstrates that the applicants were living at the building for the required period.

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- 39 A Statutory Declaration has also been provided by Mrs Rosemary Fox the mother of Mrs Isabel Fox which again provides significant weight in consideration as it is a legal declaration. This declaration was not submitted for the previous application. The declaration as detailed above confirms that the applicants were living in the building behind Little Buckhurst Barn since January 2015.
- 40 Another Statutory Declaration has also been provided by Ms Belinda St John - Slater, which again provides significant weight in consideration as it is a legal declaration. The declaration as detailed above confirms that the applicants were living in the building behind Little Buckhurst Barn since January 2015.
- 41 Since 'Little Buckhurst Stables' did not have an address on record, all important documents such as car registrations, insurance, tax returns, payslips etc. were all registered to 'Little Buckhurst Barn'. As was established in the previous application, the applicants were not living in Little Buckhurst Barn itself and this was proven with the tenancy agreement and other information provided to the Council as part of the Supplementary Planning Statement. While these documents would be helpful in proving the use of the building, it is not a pre-requisite for a residential use and does not mean that the building in question did not have a residential use.
- 42 The conduct of a site visit and the evidence provided by the applicant in exhibits A, B, C, D, E, F, G and I, clearly demonstrate the building to the rear of Little Buckhurst Barn has been converted into residential accommodation and that on the balance of probability this was substantially completed at the end of 2014. The building is a self-contained, separate building with its own access leading from Hever Lane.
- 43 The Council's 2012 aerial photography shows that no building works had commenced at that time, although an access had been created from Hever Lane and a gate in situ. Aerial photography taken in August 2016 clearly shows a separate access and track, car parking and turning area (with cars parked), private amenity space and a new roof. 2018 aerial photography is consistent with this and clearly shows a residential use of the site. The 2016 and 2018 aerial photography supports the applicants' claim and shows a residential use of the site, and as such can be given substantial weight.
- 44 Written statements (exhibits G, H and I) from builders, a local farmer, a tenant of the applicants (who lives at Little Buckhurst Barn) and two family friends have all stated the applicants have resided in the building at the rear of Little Buckhurst Barn since January 2015. While these are not legal declarations, and provide less weight alone, they are consistent with the statements within the statutory declarations provided and as such, hold moderate weight.
- 45 Correspondence from energy and water suppliers, utility and a Sky installation letter have been provided (exhibit J, N and O). This correspondence is addressed to 'The Stables' (the building subject to this

application), 'Little Buckhurst Barn', or 'Little Buckhurst Barn and Stables'. Given that the postal address differs, the supply address is not clear and the electricity and water usage figures are ambiguous, these exhibits hold limited weight.

- 46 Exhibit M shows a returned application form in September 2015 to Sevenoaks District Council Street Naming and Numbering. This sought to place the building on the register naming it 'Little Buckhurst Stables'. This was returned in the absence of planning and building control references. This shows intent to use the building as a residential property. Exhibit K is a contents insurance policy for three addresses, including 'The Stables'. The document states this the building in question is the applicant's main home. Exhibit L is a final tenants report confirming occupation dates of a tenant at Little Buckhurst Barn (main dwelling). These exhibits are consistent with each other and with the statements made within the declaration.
- 47 Council Tax records show the building land rear of Little Buckhurst Barn was only brought into banding for Council Tax purposes from May 2019. While paying Council Tax is a good way of proving occupation, not paying Council Tax does not prove the building was not occupied; only that Council Tax was not paid. For this reason, I give the absence of Council Tax records, in this instance, limited weight.
- 48 Analysis of evidence submitted by the applicant in the form of the Supplementary Planning Statement ("SPS"):
- 49 The SPS states that Lord Winter occupied the property from July 2015 for 2 years. Appendix 2 refers to "Little Buckhurst" and only shows the tenancy start date, not the end date. Exhibit L, which was previously submitted, is a final tenants report for Lord Winter. The start date is consistent with that of Appendix 2, but states the tenancy was for 12 months only. Therefore, there is an inconsistency with the dates that Lord Winter occupied Little Buckhurst Barn and a question over the occupancy of Little Buckhurst Barn from July 2016-2017.
- 50 The rest of the evidence within the SPS attempts to demonstrate that the applicants were not residing at Little Buckhurst Barn, suggesting by implication that they were instead residing at the building in question.
- 51 Appendix 1, 3 and 4 shows correspondence with Sevenoaks Council Tax relating to Little Buckhurst Barn (not the application site) claiming 100% discount for unoccupied homes from April 2015 - July 2015, an application in August 2017 for an 'Uninhabitable Property Application' and a Council Tax letter confirming a discount for unoccupied and unfurnished homes which covered August 2017 - April 2018. Appendix 5 is a tenancy agreement for Peter Hendry starting September 2018 to the present day.
- 52 The further evidence submitted does not definitively demonstrate that the applicants were residing in Little Buckhurst Stables, but it does suggest that two other properties (London property and Little Buckhurst Barn) within the

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applicants' ownership were tenanted for some of the relevant period; therefore making the argument that they were residing at Little Buckhurst Stables more probable.

Objections and Evidence Received During the Application

- 53 It is noted that 6 Statutory Declarations have been provided by the public, all of which dispute the claims made by the applicants. Consideration of the significance and weight to be attributed to these is considered below:
- 54 A Statutory Declaration has been submitted by Ms Jane Rosam which states that on an unspecified date shortly after the existing tenants of Little Buckhurst Barn left the property she spoke to the applicant Mr Russell Barnett whom she had difficulty meeting as he had to come from London to see her. Whilst this is a Statutory Declaration, it holds limited weight in this case as the dates are not specified. It also does not provide enough evidence that the building located at the rear Of Little Buckhurst Barn was not being used as a separate residential dwelling.
- 55 A Statutory Declaration has been submitted by Mr N Burke and Dr J Burke. This states that they have not met the applicant's at their property and that when they had concerns about the existing tenants in the main house at Little Buckhurst Barn in 2017 the applicants were not available to resolve the issue. It states that they received a request in January 2018 to install a broadband antenna onto their house to assist with a broadband connection to the stables. Again, whilst this is a Statutory Declaration, it holds limited weight in this case as it does not prove beyond reasonable doubt that the building located at the rear Of Little Buckhurst Barn was not being used as a separate residential dwelling.
- 56 A Statutory Declaration has been submitted by Dr N A Brummitt and Dr A C Araujo. This states that they moved to their address in April 2012 and had no knowledge or contact with the applicants whom claim to have been in residence. They state that they met the applicants in July 2018 at Hever Golf Club at a party and that the applicant Mr R Barnett stated that he wouldn't be seen at the property as he lived in London and only occasionally came to use the property for business purposes. They also explain that they had never seen them at Hever Railway station in the morning or evening commuting from the application property. They also reference anti-social behaviour from existing tenants at Little Buckhurst Barn and having problems being able to arrange to meet or contact the owners of the property (the applicants) as they did not live in the area. They state that they have only recently seen them in partial residence since 2019. Whilst this is a Statutory Declaration, and provides evidence that at certain time periods the applicants may have been in London and not necessarily contactable, it holds limited weight in this case as it does not prove beyond reasonable doubt that the building located at the rear Of Little Buckhurst Barn was not being used as a separate residential dwelling by the applicants.

- 57 Mr D M and Mrs W S Shapland have submitted a Statutory Declaration which states that they live directly next door to the application site and met the applicants in early 2012. They claim that they spoke to the applicants at the time and were advised by them that they would be moving back to London. They also state that the applicant Mr Russell Barnett started building works at the stables in late 2014 and he spoke to them at this time to explain that he was doing building work to use the building as an office and storage space. They also state that they did hear Mr Barnett 'occasionally' at the property 'when he would cut the grass or ride his quadbike on the land'. They go on to explain that Little Buckhurst Barn (the main house) was rented out to tenants Marcus Winter and Mark Carter in the middle of 2015 whom they did meet. They explain that they had some concerns about their animals roaming around and had to contact the applicant Mr Barnett to discuss this matter. They state that they had trouble meeting them as they had to come from London. They then state that in 2017 the tenants moved out and that the applicants were then seen more frequently at Little Buckhurst Barn. They also state that if the applicants had been living in the area they would have realised that the tenants were not looking after the property and causing issues. This does to some extent corroborate the applicant's evidence that the main house at Little Buckhurst Barn was indeed being rented out to tenants and was subject to significant damage and needed complete refurbishment. It does not however demonstrate beyond reasonable doubt that the building located at the rear Of Little Buckhurst Barn was not being used as a separate residential dwelling by the applicants during this time even if they were commuting or spending some time in London.
- 58 A Statutory Declaration has been submitted by Mr and Mrs W Cowell. This states that they saw no evidence of anyone living in the stables before 2019. They also reference a party at Hever Golf Club in 2018 in the same manner as the Statutory Declaration submitted by Dr N A Brummitt and Dr A C Araujo. They state that at this party the applicant Mr Barnett stated he was living in London and that his wife Isabel Fox was living at her parents' house in Edenbridge. They also make similar reference to tenants at Little Buckhurst Barn and anti- social behaviour as stated in other Declarations. They also state that they have never seen the applicants commuting into London for work. Reference is made to a company named Domus Innovation whom undertook work to the kitchen at Little Buckhurst Stables and changes to the correspondence address for the applicant Mr Russell Barnett to an address in London.
- 59 A Statutory Declaration has been submitted by Mr John Adkins, Chair of Hever Residents Association. This explains that he visited the site on 29 July 2019 to discuss the application with the applicants. Mr Adkins states that he questioned them about the comments made at the party at Hever Golf Club in 2018 and that they admitted to telling a 'silly lie' The Declaration states that this type of behaviour demonstrates a 'willingness of the applicants to be untruthful.'
- 60 With regards to the Declarations made by Mr and Mrs Cowell and John Adkins, whilst the applicants may or may not have owned a property in

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London and may have made verbal statements in 2018, it does not provide any further detailed evidence that the building at the rear of Little Buckhurst Barn was not an established residential use and the sworn Statutory Declarations do not provide any proof of this beyond reasonable doubt.

- 61 Further evidence has been submitted by the applicants in response to the above which contradict the claims made. They have submitted property details which appear to indicate that the last sale of the London property on a Right Move website sold prices list was in 2012.
- 62 The applicants also explain that Domus Innovation is a company which Mr R Barnett the applicant owns and it does not state that a kitchen was installed in January 2015. It does make reference to over 20 years in experience. The company known as Houzz referenced by Mr and Mrs Cowell showcases projects and states that the barn project was completed in 2015 which would correspond with the applicant's claims.
- 63 They provide details to explain that Domus Innovation was registered to 36a Cheyne Court and the applicants explain that this is simply because they could collect mail from the concierge and required a central London bank branch to promote the business at clientele around the area.
- 64 The applicants explain that 36a Cheyne Court was rented through Foxton's estate agents to Tara Harandi Zadeh and that Domus Innovation opened an account with Houzz in 2016 and various projects were uploaded to the site after that date. They explain that Elliott Stannard fitted phase 2 of their larger kitchen in December 2015 - February 2016 as shown on his work album. The applicants state that a kitchen was installed in 2014, 2015, 2016 and according to Domus Innovations own Facebook page 2017. This, the applicants explain is due to various applications and sites stating dates of pictures uploaded and not the date a specific picture was taken.

Conclusion

- 65 The relevant test is on the balance of probability and the local planning authority has no substantive evidence to contradict that produced by the applicants. In light of the evidence submitted, it is probable the building to the rear (north-west) of Little Buckhurst Barn has been used as a dwellinghouse for more than 4 years. As such, the use is immune from enforcement action and has become the established lawful use.

Recommendation

- 66 It is therefore recommended that this application is GRANTED.
- 67 It is however recommended that the lawful development certificate confirms only that the building has been used for residential purposes, and

not for the wider land surrounding the building, to ensure the certificate is adequately precise.

Background papers

Site and block plan

Contact Officer(s): Mark Mirams : 01732 227000

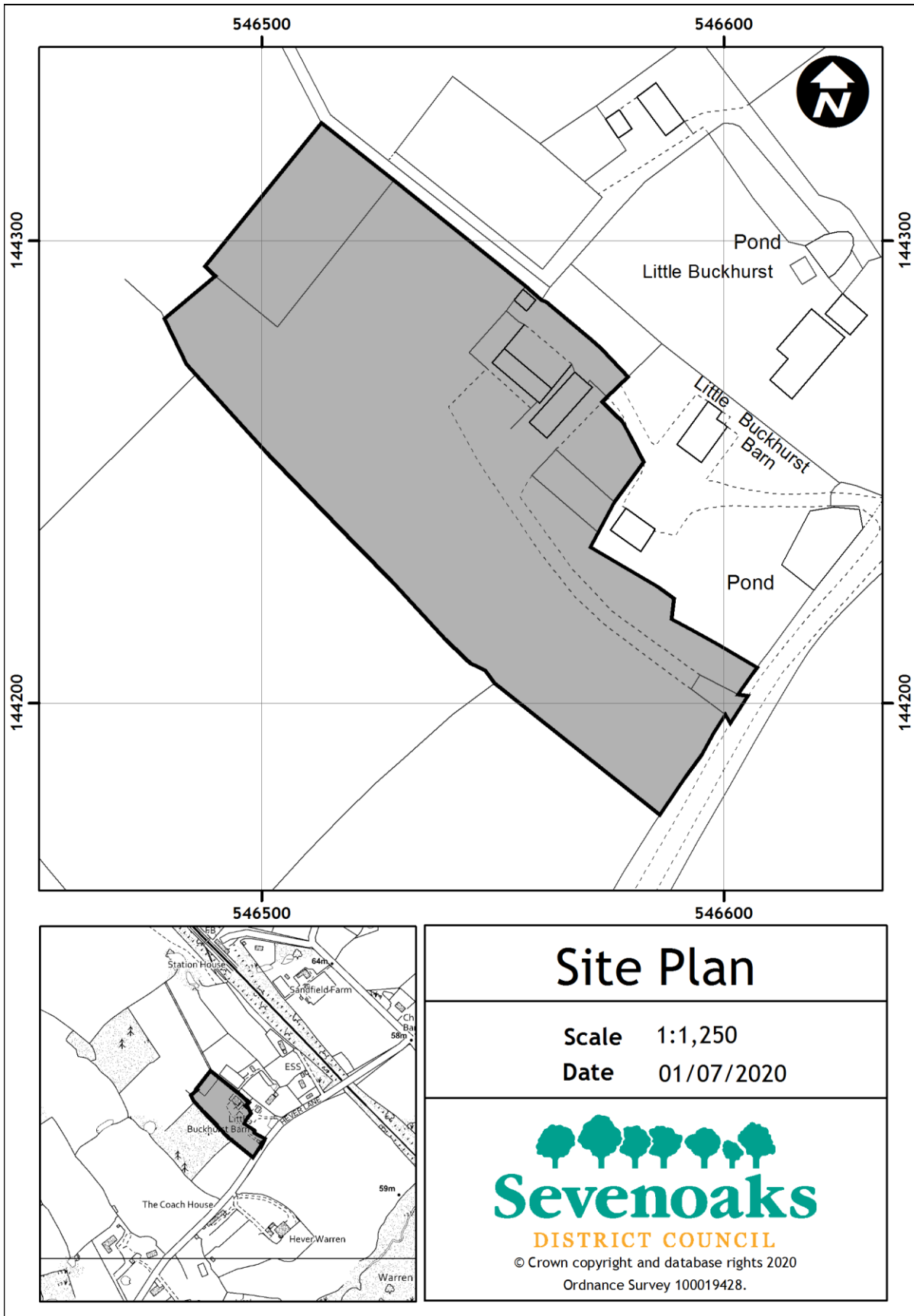
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7I4EOBKMJL00>



BLOCK PLAN



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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 23 July 2020

4.1 17/02594/FUL

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUJ370BKN2Q00>

4.2 20/00847/LDCEX

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<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7I4EOBKMJL00>

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