

11 March 2021 at 7.00 pm

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

[https://www.youtube.com/channel/UCIT1f\\_F50fvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F50fvTzxjZk6Zqn6g)

Published: 03.03.21



## Development Control Committee

### Membership:

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

### Agenda

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 18 February 2021, as a correct record.	(Pages 1 - 12)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>20/03476/FUL - 136 High Street, Sevenoaks, Kent TN13 1XA</b>  Demolition of existing buildings and re-development to provide 104 no. apartments (use class 3) and 931 sq m of retail/commercial uses (use class e) across 3 blocks of 4-6 storeys with undercroft car parking, servicing, access and associated highway works, landscaping and boundary treatments.	(Pages 13 - 80)	Emma Gore Tel: 01732 227000
4.2 <b>20/03289/HOUSE - Riftwood, Oak Avenue, Sevenoaks Kent TN13 1PR</b>  Erection of an annexe. Demolition of existing garage.	(Pages 81 - 90)	Anna Horn Tel: 01732 227000

- 4.3 **20/03261/FUL - Land North of Cherry Tree Cottage, Main Road, Knockholt Kent TN14 7LH** (Pages 91 - 102) Louise Cane  
Tel: 01732 227000

Demolition of single storey garage and plant room. Conversion of existing outbuilding to provide two bedroom dwelling erection of single storey extension, creation of garden utilising part of existing garden land serving Cherry Tree Cottage and use of existing access.

## 5. Tree Preservation Order

- 5.1 **TPO 7 of 2020 - Located on land to the south of Waystrode Cottages, Spode Lane, Cowden.** (Pages 103 - 108) Harry Walker  
Tel: 01732 227000

TPO 7 of 2020 was served to protect the remaining deciduous species located on this land.

### 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.

As it is necessary to observe social distancing to limit the spread of Covid-19, currently the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note speakers should register by 5pm 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](mailto:dc.committee@sevenoaks.gov.uk), by 5pm 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](mailto:democratic.services@sevenoaks.gov.uk).

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 18 February 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Roy

Apologies for absence were received from Cllrs. Hogarth and Hudson

Cllrs. Dr. Canet, Clayton, Fleming, Grint and Thornton were also present.

147. Minutes

Resolved: That the Minutes of the Development Control Committee held on the 28 January 2021, be signed by the Chairman as a correct record.

148. Declarations of Interest or Predetermination

Cllr Raikes declared for Minute 151 - 20/03245/FUL - Linwood, Main Road, Knockholt, Kent, TN14 7NT, Minute 152 - 20/03248/HOUSE - 47 Drive, Sevenoaks, Kent, TN13 3AD, Minute 153 - 20/03286/FUL - Land South Of 19 Mount Close, Sevenoaks, Kent, TN13 3EG and Minute 155 - 20/03106/HOUSE - 39 Cobden Road, Sevenoaks, Kent, TN13 3UB that as a member of the Sevenoaks Town Council Planning Committee he had looked at the applications but would remain open minded. Furthermore, for Minute 152 - 20/03248/HOUSE - 47 Drive, Sevenoaks, Kent, TN13 3AD, he declared he had chaired a committee relating to the local list but would remain open minded.

Cllr Reay declared for Minute 153 - 20/03286/FUL - Land South Of 19 Mount Close, Sevenoaks, Kent, TN13 3UB that he had a close friend who lived near the application site, therefore he would not take part in the debate or vote thereon.

Cllr Pett declared for Minute 154 - 20/03257/HOUSE - 53 Capelands, New Ash Green, Kent, DA3 8LQ that he had called the item to the Committee and would speak as the local ward councillor, therefore would not take part in the debate or vote thereon.

149. Declarations of Lobbying

All Councillors present declared that they had been lobbied in respect of Minute 155 - 20/03106/HOUSE - 39 Cobden Road, Sevenoaks, Kent, TN13 3UB.

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In addition, Councillor Raikes declared that he had been lobbied in respect of Minute 152 - 20/03248/HOUSE - 47 Drive, Sevenoaks, Kent, TN13 3AD.

#### CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman brought forward consideration of the Tree Preservation Order.

150. Objection to Tree Preservation Order (TPO) 6 of 2020 - Situated within the front garden of 5a Holly Bush Lane, Sevenoaks, Kent

The Assistant Arboricultural Officer brought Members' attention to the main agenda papers. TPO 6 of 2020 had been served to protect a mature pine tree. An objection was received on the grounds that the pine tree may cause structural damage to the property in the future, interference with telephone wires attached to the property and was unsuitable for its location.

In response to the objections, the Assistant Arboricultural Officer advised that though there was evidence of damage to the driveway, there was no evidence that there was damage to the property itself. There were many mature trees located outside properties within the district where structural damage had not occurred. Furthermore, sensible pruning works could be carried out to branches preventing damage to wires. If the tree were to be removed in future and was not protected by the TPO, the tree owners would not be obliged to carry out replacement planting.

Resolved: That TPO 6 of 2020 be confirmed without amendment.

#### RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

151. 20/03245/FUL - Linwood, Main Road, Knockholt, Kent, TN14 7NT

The proposal sought planning permission for the demolition of existing buildings and erection of replacement dwelling. The application had been referred to the Development Control Committee by Councillor Grint on the grounds that was an inappropriate development in the Green Belt.

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

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Joe Alderman

Parish Representative: Parish Cllr Radford

Local Members: Cllr Grint

Members asked questions of clarification from the officer.

It was moved by the Chairman that the recommendations within the report with an additional condition removing permitted development rights to the site, be agreed.

Members discussed the application and considered how the removal of permitted development rights could control further development of the site which had only been permitted under very special circumstances.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the removal of permitted development rights on the site and the following conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PD-10 and PD-11.

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

- 3) Before the commencement of the development hereby approved a phase 1 (desk top) contaminated land study shall be undertaken to establish the potential presence of soil contamination. If the Phase 1 study indicated that further investigation is necessary, then a Phase 2 contaminated land investigation including a remediation methodology (if necessary) shall be undertaken and submitted to the local planning authority for approval in writing. The investigation and risk assessment must be undertaken by suitably qualified and accredited persons. The details shall be implemented as approved. If during any works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by

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suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EN2 of the Council's Allocations and Development Management Plan

- 4) From the commencement of works (including site clearance), all precautionary mitigation measures for ancient woodland and protected species will be carried out in accordance with the details contained in sections 9.2 through to 9.11 of the Ecological Impact Assessment (Native Ecology July 2020).

In the interests of protecting the adjacent ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy.

- 5) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations within section 10 of the Ecological Impact Assessment (Native Ecology July 2020). The approved details will be implemented and thereafter retained.

In the interests of protecting the adjacent ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy.

- 6) The development hereby permitted shall be constructed in accordance with the materials specified on the planning application form.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) The curtilage and means of enclosure shall not be implemented other than in accordance with the details hereby approved and as indicated on drawing PD-10.

To define the extent of development and to ensure a satisfactory appearance which will preserve the amenities of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) No works, including any removal and/or replacement of hard surfacing, shall take place within the canopy spread of the mature Oak tree (no.31 on drawing PD-10) unless in accordance with details of tree protection

measures which shall first have been submitted to the District Planning Authority for approval in writing.

To prevent damage to the oak tree during the construction period as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) The development hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to the first occupation of the new dwelling hereby approved and maintained thereafter.

In the interests of sustainable development and reducing emissions as supported by policy T3 of the Council's Allocations and Development Management Plan.

#### Informatives

- 1) Please note that in accordance with the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site on the Self Build Annex. Failure to do so will result in the CIL charge becoming payable in full.
- 2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

#### 152. 20/03248/HOUSE - 47 Drive, Sevenoaks, Kent TN13 3AD

The proposal sought planning permission for the alteration to the porch, erection of a rear double storey and alterations to fenestration. The application had been referred to the Development Control Committee by Councillor Fleming to protect the residential amenity of the current and future residents of 47 The Drive and that of the neighbouring property.

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

The Committee was addressed by the following speakers:

Against the Application:           Anthony Brougham

For the Application:               Carmen Austin

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Parish Representative: Town Cllr Bonin

Local Members: Cllr Fleming

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

Members discussed the application.

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.

- 2) The materials to be used in the construction of the development shall be those indicated on the following approved plans and details: Application form, 2020 Rev E, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702.

To ensure that the appearance of the development is in harmony with the existing character of the property, 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: 2020 Rev E, 1020 Rev D, 2010 Rev D, 1010 Rev D, 401 Rev A, 402 Rev A, 701, 702, 104 Rev C, 301 Rev A, 190320-SURV-06.

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

- 4) The proposed new window to the south west facing elevation, located at first floor level which is shown to be obscure-glazed and non-openable up to a height of 1.7 metres on drawing number 2020 Rev E, shall remain obscure-glazed and non-openable up to a height of 1.7 metres above the internal finished floor level and maintained as such thereafter.

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



- 5) Prior to the installation of the new proposed windows along the rear elevation at first floor level, further details as to the glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

To preserve and protect the integrity of the non-designated heritage asset in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

153. 20/03286/FUL - Land South Of 19 Mount Close, Sevenoaks, Kent TN13 3EG

The proposal sought planning permission for the erection of a new dwelling. The application had been referred to Development Control Committee by Councillor Canet on the grounds that the proposal would be an overdevelopment of the site, overlook the neighbours and there was inadequate parking space.

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

The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: -
- Parish Representative: Town Cllr Dr Canet
- Local Members: -

Members asked questions of clarification from the officer.

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

Members discussed the application.

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.

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

- 2) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be implemented in accordance with the materials outlined in the approved plan 1091/03 Rev B Proposed Plans and Elevations and the materials outlined on the Application Form for the development.

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

- 3) The hard and soft landscaping hereby approved, including the proposed boundary treatments, shall be implemented prior to first occupation of the dwelling, in accordance with the approved Landscaping Plan and Site Section 1091/04.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. If any planting is removed, dies, become severely damaged or diseased within five years of completion of the development, the planting shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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

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

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

- 5) The ground and first floor window(s) in the north west facing elevation(s) shall be obscure glazed at all times.

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

- 6) The biodiversity enhancements hereby approved shall be implemented in accordance with the approved Landscaping Plan and site section called plan number 1091/04, and completed in full prior to the occupation of the new dwelling hereby approved.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and the NPPF.

- 7) Before the use or occupation of the new dwelling hereby permitted, the car parking and driveway shown on approved drawing 1091/04 shall be provided and shall be kept available for the access and parking of cars for both properties at all times. The driveway and parking shall be constructed of permeable materials in accordance with the materials outlined on the approved drawing 1091/04.

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

- 8) The development hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to the first occupation of the new dwelling hereby approved and maintained thereafter.

In order to mitigate and adapt to climate change and ensure development contributes to an improvement in the District's air quality, in accordance with Policy T3 of the Sevenoaks ADMP.

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

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

- 10) The development hereby permitted shall be carried out in accordance with the following approved plans: 1091/01 Location Plan, 1091/02 Site Plan, 1091/03 Rev B Proposed Plans and Elevations, 1091/04 Landscaping Plan and Site Section

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

#### Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

(Having declared an interest, Councillor Reay did not take part in the debate or voting for this item)

#### 154. 20/03257/HOUSE - 52 Capelands, New Ash Green, Kent DA3 8LQ

The proposal sought planning permission for a storey side extension and alteration to fenestration. The application had been referred to Development Control Committee by Councillor Pett on the grounds of loss of visual amenity, specifically that the "slot" created at first floor level would be incongruous and at variance with other approved alterations to the same design of house elsewhere in the estate.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: Roxana Brammer

For the Application: -

Parish Representative: Parish Cllr Mark Manley

Local Members: Cllr Pett

Members asked questions of clarification from the speakers and officer.

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

Members discussed the application.

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.

- 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: PL-1675

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

(Having spoke against the application as a registered speaker, Councillor Pett left the room during consideration of this item and did not take part in the debate or voting thereon).

155. 20/03106/HOUSE - 39 Cobden Road, Sevenoaks, Kent TN13 3UB

The proposal sought planning permission for a loft conversion with rear dormer and front velux windows. The application had been referred to the Development Control Committee by Councillor Clayton on the grounds of loss of privacy, overshadowing and general dominance.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:        Simon Aguss

For the Application:            Heidi Mangold

Parish Representative:        Town Cllr Morris-Brown

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Local Members: Cllr Clayton

Members asked questions of clarification from the speakers and officer.

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

Members discussed the application.

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.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: RA1461/REV A/01 and Location Plan.

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

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

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

THE MEETING WAS CONCLUDED AT 9.24 PM

CHAIRMAN

4.1 20/03476/FUL Revised expiry date 31 March 2021

Proposal: Demolition of existing buildings and re-development to provide 104 no. apartments (use class 3) and 931 sq m of retail/commercial uses (use class e) across 3 blocks of 4-6 storeys with undercroft car parking, servicing, access and associated highway works, landscaping and boundary treatments.

Location: 136 High Street, Sevenoaks, KENT TN13 1XA

Ward(s): Sevenoaks Town & St Johns

**Item for decision**

The application has been called to Development Control Committee by the Chief Planning Officer Richard Morris due to the applications significance.

**RECOMMENDATION:**

- A) That planning permission be GRANTED subject to the following conditions and a completed Section 106 agreement for: affordable housing and Travel Plan to be completed or;
  - B) In the event that, using all reasonable endeavours, the legal agreement referred to in A) is not completed within 4 months of the date of the resolution of this Committee that the application be refused for failure to provide an appropriate level of affordable housing.
- 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) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. The details will include native species planting within the soft landscaping proposals. The approved details will be implemented prior to first occupation of the development hereby approved and thereafter retained.

To ensure ecological net gains on site in accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 175 of the National Planning Policy Framework (2019).

- 3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include: -planting plans (identifying existing planting 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), and-a programme of implementation. The approved details shall be implemented prior to first occupation of the development hereby approved. 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.

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

- 4) No development (except for demolition) shall commence in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Sustainable Drainage Strategy report by Elliot Wood (06/11/2020). The submission will also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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

- 5) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development



as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 6) The retail/commercial units hereby approved shall achieve a BREEAM minimum rating of 'Very Good' or alternative as agreed in writing by the local planning authority. Evidence shall be provided to the Local Authority in the following format and at the following times: i) Prior to first use of the retail/commercial element of the development, a final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Very Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority. Achievement of BREEAM 'Very Good' or alternative as agreed, must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy.

- 7) The proposed three units located at ground floor of block A adjacent to the High Street shall only be used for Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) for retail purposes only, unless otherwise agreed in writing by the local planning authority, and for no other purpose.

In the interests of the vitality of the High Street in accord with policy TLC1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 8) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To ensure the development does not significantly impact the local underground sewerage utility infrastructure.

- 9) Prior to reaching finished slab level of retail units hereby permitted, details of the fascia signage and any external finish panelling to the ground floor north and west facing elevations shall be submitted to and approved in writing by the local planning authority. The details shall include elevation plans at a scale of no less than 1:50. The proposed development shall be carried out in accordance with the approved details. The shop front shall be installed prior to the occupation of the residential units in block A.

To ensure the proposal conserves the character of the Conservation Area in accord with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

- 10) Prior to the commencement of the development hereby permitted details of all the proposed hard landscaping across the development including the

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proposed service yard shall be submitted to and approved in writing by the local planning authority. The proposed details shall include an alternative surface for the proposed service yard. The development shall be carried out in accord with the approved details.

To ensure that the proposed development is in keeping with the character of the area, conserve the Conservation Area in accord with policy EN1 and EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

- 11) Prior to the commencement of the development hereby approved including a demolition works a Construction Management Plan shall be submitted to and approved in writing by the local planning authority, the management plan shall include the following: (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 / signage, (f) Construction hours. The proposed development shall be carried out in accord with the approved management plan at all times.

In the interest of Highway Safety and neighbouring amenity in accord with policies EN2, EN7 and T1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 12) Prior to the first use or occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of: a) A one-way system, b) Signage, c) Space allocation, d) Any widening of proposed parking spaces. The development shall be carried out in accord with the approved details and they shall be implemented prior to bringing the development into first occupation.

In the interests of Highway Safety and in accord with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 13) Prior to first occupation of the development hereby approved a scheme to show the provision of electric vehicle charging points in excess of 3 charging units, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall all be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling WiFi connection). The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

- 14) Prior to first occupation of the development hereby approved, the cycle storage provision as shown on the approved plans for both private and public shall be provided and retained as such thereafter.

In accord with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 15) Prior to first use of the commercial units hereby approved, the proposed opening hours and delivery hours of each unit shall be submitted to and approved in writing by the local planning authority. The proposed units shall operate in accordance with the approved details.

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

- 16) The proposed windows to the third floor, south side facing elevation on block A for the eastern most room (bedroom) shall be obscure glazed up to 1.7m from finished floor level and fixed shut at all times.

To ensure privacy in accord with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 17) No development shall take place until details of the implementation and phasing for the development have been submitted to and approved in writing by the local planning authority. The approved scheme shall be phased as agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, no development shall be carried out within Class A of Part 2 Schedule 2 of that Order (or any Order revoking and re-enacting that Order) (enclosures) other than that approved by virtue of the proposed development.

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

- 19) No development shall commence until details of a site investigation strategy based on the relevant information discovered by the desk study by GEA. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site. a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. c) Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified, then

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the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

To ensure safe amenity of the site in accord with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 20) Prior to reaching slab level on the development hereby permitted a detail public realm strategy shall be submitted to and approved in writing by the local planning authority. The details shall include: a) Details of all street furniture - lighting, bins, benches, seating, plinth, bollards, b) A detailed site plan at a scale of no less than 1:200 with the siting of all public realm elements, c) Proposed internal lighting for the tunnelled access to the service yard as indicated on plan 9678-L-01 Rev C, d) Details of access arrangements to southern access from the High Street to Suffolk Way through the proposed service yard, e) Details of all enclosure details to the southern corner for the entrance to the bus stop. The proposed development shall be carried out in accord with the approved details and implemented prior to first occupation of the development hereby approved.

In accord with policy EN1 of the Sevenoaks District Council Allocation and Development Management Plan.

- 21) Prior to the occupation of the development hereby approved a long term public realm and landscape management of site shall be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

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

- 22) No development shall take place until a scheme for ventilation and protecting the proposed dwelling(s) from noise from traffic on the adjacent road(s) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is first agreed in writing by the local planning authority.

To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 23) Prior to first occupation of the development hereby approved details of all proposed privacy screens, including an additional privacy screen to the fifth

floor balcony to the rear of block B (at its corner join) shall be submitted to and approved in writing by the local planning authority. The approved privacy screens shall be installed prior to first occupation of the development hereby approved.

To ensure sufficient privacy in accord policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 24) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 9678-L-04 Rev B, 9678-L-03 Rev B, svok DLA ZZ XX DR A 275, svok, DLA ZZ XX DR A 274, svok DLA ZZ XX DR A 273, svok DLA ZZ XX DR A 272, svok DLA ZZ XX DR A 271, svok DLA ZZ XX DR A 270, svok DLA ZZ XX DR A 262, svok DLA ZZ XX DR A 261, svok DLA ZZ XX DR A 260, svok DLA XX XX DR A 250, svok DLA XX XX DR A 243, svok DLA XX XX DR A 242, svok DLA XX XX DR A 241, svok DLA XX XX DR A 240, svok DLA XX XX DR A 238, svok DLA XX UG DR A 237, svok DLA XX 05 DR A 235B, svok DLA XX 04 DR A 234C, svok DLA XX 04 DR A 234B, svok DLA XX 05 DR A 234A, svok DLA XX 03 DR A 233C, svok DLA XX 03 DR A 233B, svok DLA XX 04 DR A 233A, svok DLA XX 02 DR A 232C, svok DLA XX 02 DR A 232B, svok DLA XX 03 DR A 232A, svok DLA XX 01 DR A 231B, svok DLA XX UG DR A 230C, svok DLA XX UG DR A 230B, svok DLA XX UG DR A 230A, svok DLA XX XX DR A 220, svok DLA XX XX DR A 212, svok DLA XX XX DR A 211, svok DLA XX XX DR A 210, svok DLA XX XX DR A 208, svok DLA XX UG DR A 207, svok DLA XX RF DR A 206, svok DLA XX 04 DR A 204, svok DLA xx 01 DR A 201, svok DLA A 200, svok DLA XX XX DR A 244, svok DLA XX 02 DR A 231A, svok DLA XX XX DR A 221, svok DLA XX 05 DR A 205, svok DLA XX 03 DR A 203, svok DLA XX 02 DR A 202, 2200360-EWP-ZZ-00-DR-C-1000, svok DLA XX 01 DR A 231C, 9678-L-01 Rev C, 9678-L-02 Rev C.

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

- 25) The development hereby approved shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by the Local Planning Authority unless otherwise agreed within 3 months of the completion of the development hereby permitted.

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

#### **Informatives**

- 1) 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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

- 2) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

As required by Building regulations part H paragraph 2.36, Thames Water request 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 sewage 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 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 [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk).

Please refer to the Wholesale; Business customers; Groundwater discharge section.

Thames Water would recommend that petrol/ oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourse.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

- 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) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

- 5) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

**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 within the allocated area of Sevenoaks Town Centre. The site is situated to the east of Sevenoaks High Street and to south of its junction with Pembroke Road & Suffolk Way. The site also aligns with Suffolk Way which extends in a southerly direction. Along Suffolk Way the site extends to the south to the entrance to the bus station.
- 2 The site contains a three storey building which has a dated 1980s appearance constructed of brick designed in an almost brutalist approach and fronts the High Street. The rear of the building faces towards Suffolk Way which includes a service yard. To the north of the building an access route runs from the High Street to Suffolk Way which is partially covered.
- 3 The building has previously accommodated retail and a food store at ground floor. Office accommodation has also been provided above ground floor. The building is currently vacant. The site is located on an allocated primary retail area.
- 4 The site is mainly subject to a building and hardstanding, little exists in the form of vegetation or tree coverage. To the southern corner along Suffolk Way a small cluster of trees exists as does an information board.
- 5 The front of the building is located in the Sevenoaks High Street Conservation Area, to the south of the building along the High Street the building is adjacent to 134 High Street which is Grade II Listed. Both the High Street and Suffolk Way are located in an Air Quality Management Area. The whole of the site is within an Area of Archaeological Potential.

**Description of proposal**

- 6 Demolition of existing buildings and re-development to provide 104 no. apartments (use class 3) and 931sqm of retail/commercial uses (use class e) across 3 blocks of 4-6 storeys with undercroft car parking, servicing, access and associated highway works, landscaping and boundary treatments.

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### Relevant planning history

- 7 19/01761/PAC - Prior notification for a change of use from Office Use (Class B1(a)) to dwellinghouses (Class C3). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015. PRAG
- 8 The above application relates to rights for change of use under the Town and Country Planning General Permitted Development Order 2015 (as amended) Schedule 2, Part 3, Class O. The proposal was conserved as a prior approval under central government legislation. Prior approval (planning consent) was not deemed to be required and the works considered compliant with the legislation.

### Policies

- 9 National Planning Policy Framework (NPPF)
- 10 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 11 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 12 Footnote 6 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 13 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
  - LO1 Distribution of Development
  - LO3 Development in Sevenoaks Town Centre
  - SP2 Sustainable Development
  - SP3 Provision of Affordable Housing
  - SP5 Housing Size and Type
  - SP7 Density of Housing Development
  - SP11 Biodiversity
- 14 Allocations and Development Management (ADMP)
  - SC1 Presumption in Favour of Sustainable Development



- EN1 Design Principles
- EN2 Amenity Protection
- EN3 Demolition in Conservation Areas
- EN4 Heritage Assets
- EN7 Noise Pollution
- TLC1 Sevenoaks Town Centre
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

15 Other

- Sevenoaks High Street Conservation Area Appraisal and Management Plan
- Affordable Housing SPD update 2019

**Constraints**

16 The following constraints apply;

- Area of Archaeological Potential - AAP
- Sevenoaks High Street Conservation Area - CA
- Adjacent to 134 High Street Grade II Listed Building
- Primary Retail Frontage
- Air Quality Management Area
- Allocated Town Centre - Sevenoaks - TLC1

**Consultations responses**

17 Sevenoaks Town Council:

18 A motion for approval (full text below) was put forward, seconded and LOST at the vote: Sevenoaks Town Council recommended approval subject to the number of car park spaces being increased from 52 to 62 and the provision of affordable homes being increased from 12 to 23.

19 A motion for refusal (full text below) was put forward, seconded and PASSED at the vote: Sevenoaks Town Council recommended refusal on the following grounds:

- Scale and bulk of proposed buildings constituting overdevelopment
- Quality and sustainability of design
- Inadequate car parking provision for the number of flats proposed
- Inadequate provision of affordable housing
- Overlooking and loss of amenity
- Environmental character of the dwelling

20 Urban Design Officer:

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- 21 The application proposes to demolish the existing building and re-development to provide 104 no. apartments (use class 3) and 931 sqm of retail/commercial uses (use class e) across 3 blocks of 4-6 storeys with undercroft car parking, servicing, access and associated highway works, landscaping and boundary treatments.
- 22 The current building is a late 1970's commercial unit which fills the plot from east to west with a car park to the south. The proposed scheme intends to create a mixed use development by retaining retail units at the ground floor along the High Street, introducing residential units across the rest of buildings and incorporating improvements to the public realm. The elevation that faces the High Street is a contemporary reinterpretation of the Georgian buildings found along the High Street and responds to the tight urban grain and is sympathetic to the local character of the High Street, for example, through the set back of the building and the rhythm and detailing of the four bays at ground level.
- 23 The service yard, rear of the buildings, and staff car parking court along Suffolk Way currently detracts from the character of the High Street. The introduction of a clear building line along Suffolk Way is considered an improvement to the quality of the area. The introduction of Block C creates a sense of arrival to the bus station at Buckhurst Lane and as the building turns the corner a new streetscape and sense of enclosure is created along the western side of Suffolk Way.
- 24 The proposed scheme provides public realm improvements including tree planting and seating along the High Street and retains and enhances the east-west pedestrian link. The introduction of landscaping, seating, lighting, public art and cycle parking is considered an effective use of landscaping and a benefit to the wider area. There is an opportunity to improve the connectivity and existing desire line from Blighs Walk to the proposed Chandlers Walk by the provision of an at-grade crossing on the High Street at this location. An at-grade crossing would connect the pedestrian networks in a way that is safe, direct and accessible, providing further benefits to the wider area (as per NPPF para. 91, 110 and 127). Should this be feasible, we recommend continuing the conversation with KCC Highways, and secure through S106.
- 25 The proposed building wraps around from the High Street stepping up from four storeys to six along Suffolk Way with a underground car park accessed from Suffolk Way. The residential blocks B and C retain a similar material language as the High Street elevation but they introduce contemporary responses to architectural details found locally such as arches (the Old Market House and Webbs Court) and crittal windows (the Shambles). These buildings create a block that is of a coarser grain which responds to the massing of buildings found at this location (i.e. the rear of Boots on Buckhurst Lane, the Leisure Centre and Library). The development is considered sympathetic to the local character, while not preventing or discouraging appropriate innovation or change, such as increased densities (NPPF, para. 127c).
- 26 The proposed development establishes a strong sense of place through the arrangement of the buildings, use of materials and spaces in between,

creating attractive, welcoming and distinctive places to live, work and visit (NPPF, para 127d). Passive surveillance from the flats facing Suffolk Way and communal entrances, front doors and windows at ground level will help activate Suffolk Way, making it feel safe, secure and attractive (National Design Guidance, Public Spaces, para. 105). The majority of flats have access to shared or private green space or balconies, which is considered an appropriate amount and standard of amenity space (National Design Guide: Homes and Buildings, para. 132). In line with para 127. of the NPPF, we would raise no objection to this scheme.

27 Please consider the following conditions should an application be granted:

28 Materials

29 We are supportive of the principle of using primarily brick throughout this scheme and an aluminium cladding for the top floor which is set back. The proposed external material choice for the ground floor flats on the Chandlers Walk elevation (elevation A - drawing ref 2016-060) is stated as aluminium cladding in grey beige. We do not consider the aluminium cladding at this location the most sympathetic approach. This concern could be resolved through a condition. Further to this, we request samples of all the proposed brickwork (as per materials schedule) and details on proposed mortar are conditioned.

30 Public Realm

31 We accept the principles outlined in the Public Realm Strategy. The strategy states that new tree planting will be provided as part of Block C but little detail has been provided on the enhancement on this corner, that links from the bus station to Suffolk Way. Details should be conditioned, such as landscaping and trees (as per Tree Officer's comments), street furniture and surfaces including details on the south of the site at Block C, to ensure they respond to the local character (NPPF para. 110, Core Strategy SP1). We would also request that the management plan and maintenance regime is conditioned to ensure the public realm remains of a high quality (Core Strategy, SP1).

32 The design comments have been assessed using the National Design Guide, Core Strategy SP1 and the National Planning Policy Framework: *NPPF para. 127.*

33 Local Lead Flood Authority:

34 Kent County Council as Lead Local Flood Authority have reviewed the Sustainable Drainage Strategy report by ElliotWood and can provide the following comments:

35 The report details the new drainage scheme for the proposed redevelopment of 136 High Street Sevenoaks. As highlighted within the report, the existing regime was for surface water to be managed through two on site soakaways. The proposed redevelopment requirement has meant that the continued use of soakaways is unfeasible because of the new layout design and the 5 metre separation distance from foundations (Section 6.3).

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The LLFA welcomes the incorporation of permeable paving and planting beds to maximise infiltration where possible but understand that this would not be sufficient to manage all runoff.

- 36 To ensure that surface water is adequately controlled, Elliot Wood have therefore proposed for a controlled discharge of 3.7 litres a second into Thames Water's surface water sewer. To meet this rate, it is proposed for a combination of blue roofs and geocellular storage coupled with flow controls to attenuate and gradually release surface water to the sewer. The LLFA accept this approach and support the inclusion of a blue/green roof into the design.
- 37 It is acknowledged that further work is required to develop the final details of the blue roof along with final construction drawings. Therefore, the LLFA propose that a detailed design condition is attached to this application to facilitate the design work.
- 38 Conservation Officer:
- 39 Significance
- 40 The High Street is the commercial area of historic market town of Sevenoaks. It is characterised by a variety of architectural styles and heights, which reflects the evolution of the town due to its increased prosperity and the development of the railway lines in the mid- 19th century.
- 41 No.136 was built the late 1970s and until recently functioned as a supermarket. The front section of the site sits in the Sevenoaks High Street Conservation Area with the majority of the site to the rear outside the conservation area. The brick building is top heavy in appearance with a deep mansard roof and the first floor overhangs the High Street. The northern overpass of No.136 is identified in the High Street Conservation Area Appraisal as detracting from the character and appearance of the conservation area. The building is connected at first floor at both ends to No. 134, a listed building, and Nos. 138a-138b.
- 42 Assessment
- 43 The scheme has been the source of extensive discussion at pre-application stage and reflects many of the points previously raised.
- 44 The principle of demolishing No.136 is accepted as the existing building is not of architectural and historic interest and does not contribute to the character and appearance of the conservation area.
- 45 The proposed scheme reflects the established built form of the High Street by following a spine development with footpaths running from the High Street through to Knole. The creation of Chandlers Walk improves the existing footpath access between the High Street and Suffolk Way, which is currently unwelcoming as due to the overpass and topography of the site there are not clear sight lines. The scheme increases the sense of permeability between the High Street and Suffolk Way enhancing the

pedestrian experience and strengthens the legibility of the historic link to Knole. The proposed building is set back from the building line on the High Street, which enables views to and from the second floor window on the flank elevation of No. 134, the listed building. No. 136 will no longer be connected at first floor to No. 134 and No. 138, which breaks the appearance of a continuous block along the High Street and improves the setting of these neighbouring buildings as their flank elevation will be visible.

- 46 The proposed front elevation has been treated as four bays, which reflects the existing pattern and rhythm of the High Street of predominately narrow frontages. The bays have also been articulated above ground floor level with brick detailing to continue the vertical emphasis. The architectural style is a contemporary take on the Georgian and neo-Georgian architecture found on this side of the High Street with classical proportions including the location and pattern of the fenestration.
- 47 The creation of Chandlers Yard to the rear of Block A and the shifting of the bulk and mass of the other blocks towards Chandlers Walk and Suffolk Way moves the development further away from the rear of the listed buildings compared to the existing building. The existing experience of the rear of the listed buildings on the High Street is restricted by the scale and appearance of the modern buildings sat behind and unsympathetic extensions to the listed buildings themselves. Longer views looking towards the High Street into the conservation area from Suffolk Way have been already greatly affected by the large blank facades of existing buildings with only narrow glimpses of traditional roofscapes as such the proposed development will not have a greater impact. Due to the topography and tree cover, it will not adversely affect longer views into the town from Knole.
- 48 Shop frontage:
- 49 The modern interpretation of historic shop fronts with stall risers, mullions, fascia and signage is acceptable in principle. It is important that the shop fronts are well-designed as they add interest and character not only to the building but the wider High Street. The shop fronts are also important to how the pedestrian experiences the ground floor of the development and the corner to Chandlers Walk. Glazed shopfronts and openings, historically and now, allows shopkeepers to display and advertise their goods adding visual interest to the street. We would want to avoid the use of metal infill panels to the large openings on the north elevation of the retail unit because it creates large, blank expanses devoid of interest and detracts from the visual qualities of the High Street. The first blank panel in particular will be visible in views looking south down the High Street and will have greater prominence due to the proposed signage on the fascia. Signage needs to be added to the fascia of the end bay facing onto the High Street as it will lessen the appearance of the vents and give a sense of uniformity across the elevation.
- 50 To ensure the quality please condition the details and signage to the shop frontages. Please also condition that the shop fronts are installed prior to

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the occupation of the apartments to ensure the retail units are not boarded over and therefore blank elevations whilst a commercial tenant is found.

51 Materials:

52 White bricks are not part of the material palette found in the conservation area and their use would appear incongruous in the context of the High Street elevation. Whilst we can understand the design rationale in using a lighter colour material to distinguish the end bay from the other bays and as way finding up Chandlers Walk, the white brick will appear stark and jarring in contrast to the dark red brickwork used on the neighbouring bays. The building will already have prominence due to its location, footprint and architectural style and the recessing of the end bay at first floor helps to break up the elevation. Using a similar, lighter tone brick on the first and second floors to the dark red brick used on the other bays would help differentiate whilst being in keeping. The fourth bay would appear more harmonious particularly as there is the strong unifying appearance of the fourth storey running across the entire elevation.

53 There is no objection to the principle of using glazed brick to the ground floor of the retail units. It is a traditional material, which adds interest, texture and depth to the High Street elevation as well as makes the distinction between the retail units from the residential above. The applicant has submitted an indicative example of the glazed brick and the final brick selection should be conditioned along with the mortar specification to ensure the quality of design.

54 As all the materials used in the external construction are critical to the design of the building and its success in the conservation area, please condition details and samples.

55 Please condition the details of the soft and hard landscaping of the development as the public realm is an important component in the success of the scheme to ensure the long term maintenance of the public realm areas. A landscape management plan will also ensure the long term condition and maintenance of these areas.

56 Legislation

57 Assessed against the National Planning Policy Framework, the proposed development is not considered to cause harm to the character and appearance of the Sevenoaks High Street Conservation Area and its setting, and the setting of neighbouring listed buildings.

58 While the proposed block to the High Street is taller compared to the existing building, it better reflects the architectural style, roof forms and materials found in the conservation area. The improvement to the public realm to the front of No.136 and Chandlers Walk benefits the pedestrians' use and experience of the High Street. It removes the overpass, which is an oppressive element, detracting from the appearance of the conservation area and creates a more permeable access between the High Street and Suffolk Way. The majority of the development sits outside the conservation area and taking into account the existing building, its bulk and mass as well

as the bulk and massing of other large buildings between the High Street and Suffolk Way the scheme is not considered to harm the setting of the conservation area. One of the advantages of the scheme is No. 134, the listed building, will no longer be connected to No. 136, which improves its setting. The setting of the rear of the listed buildings, Nos 128-134 on the High Streets, has already been affected by unsympathetic extensions and by the larger post-war buildings and service yards. As such the proposed development will not cause greater harm to the setting of these listed buildings.

59 KCC Ecology:

60 We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. Due to the site's lack of ecological features and relatively poor habitat connectivity, the report concludes that there is little ecological interest and, with exception of breeding birds, no protected species considerations.

61 If planning permission is granted, we advise that the informative and condition below are attached.

62 Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

63 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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

64 Ecological Enhancements

65 In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Examples include native species planting and provision of bird boxes. To secure enhancements, we advise that a condition is attached to any granted planning permission. Suggested wording:

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- 66 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include predominately native species planting within the soft landscaping. The approved details will be implemented and thereafter retained.
- 67 Kent Wildlife Trust:  
No comment.
- 68 Natural England:  
NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 69 South East Water:  
No response.
- 70 Arriva:  
No response.
- 71 SDC Economic Development:  
No response.
- 72 NHS West Kent:  
No response.
- 73 Highways England:
- 74 Thank you for your email dated 30 December 2020 on the above planning application consultation and indicating a response was required by 20 January 2021.
- 75 Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 76 In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the SRN, in particular on the M25 at Junction 5, the M26 and the A21. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development.



77 Upon review of the documents submitted with the application, whilst we don't necessarily agree with all parts of the TA and from our own assessment, we are content that the proposed development won't have a negative impact on the strategic road network. We also note the distance of this proposal from our network.

78 SDC Tree Officer:

79 This site is currently void of soft landscaping. The illustrative landscape master plan shows planting of trees shrubs etc, which will be beneficial to the immediate area. Should this application be granted consent I suggest that a more detailed landscape plan be provided to show plant details inclusive of species, varieties, locations and sizes as a condition.

80 Kent Fire and Rescue:

81 I can confirm that on this occasion it is my opinion that the off-site access requirements of the Fire & Rescue Service have been met.

82 On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

83 Direct Services (waste and recycling):

84 As the statutory Waste & Recycling Collection Authority and a consultee we have reviewed the plans for this application and have a number of queries/concerns in regards to the future collection of domestic waste and recycling for the development. These queries/concerns are as follows:

1. Chandlers yard could become congested with delivery vehicles, and commercial use, what provision is there to keep the refuse area's (Blue) clear for collection?

2. If the waste is to be stored in Chandler's yard then the "decorative concrete" will need to be re-thought as 26 tonne refuse vehicles reversing over it will soon disperse any "decorative element".

3. How do they propose to keep commercial waste separate from domestic waste, as there are legislative regulations and requirements not to mix these waste streams.

85 Planning Policy:

86 Thank you for consulting Planning Policy on this planning application. The key strategic planning policy issues are considered to be:

- Loss of commercial floorspace
- Provision of affordable housing and size and type of housing
- 5 year housing land supply position

87 Loss of commercial floorspace

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- 88 The application site is located on the High Street, within Sevenoaks town centre, and therefore the following policies are relevant:
- Core Strategy policy LO3 - development in Sevenoaks town centre
  - ADMP policy TLC1 - Sevenoaks town centre
- 89 The application site is a vacant three storey building, with 3,606 sqm retail floorspace on the ground floor, and 1,395 sqm office floorspace on the upper floors. Prior approval was granted in August 2019 for the conversion of the office floorspace into 16 residential units under reference 19/01761/PAC. It is understood that this has not been implemented.
- 90 The proposal seeks to redevelop the site to provide 931 sq m retail/commercial (class E) floorspace on the ground floor, and 104 residential units above (over 4-6 floors). Core Strategy policy LO3 seeks to retain and enhance a mix of uses (including retail, offices, cultural, leisure, hotel and residential) in Sevenoaks town centre, and states that new development should contribute to improving the quality of the town centre environment.
- 91 Given the prominent location of the application site on Sevenoaks High Street, ADMP policy TLC1 also applies, whereby within the Sevenoaks primary retail frontage, at least 70% of the ground floor frontage will be maintained in A1 use. A Class uses will be permitted where they would complement the predominant retail function and not lead to a dead town centre frontage during regular shopping hours.
- 92 It is clear that the proposal will result in a loss of retail floorspace on the ground floor, which is a concern given the prominent position of the site on Sevenoaks High Street. Consideration should therefore be given to:
- The contribution of the proposed development to improving the quality of the town centre environment; and
  - Whether the proposed development would meet the criteria set out in ADMP policy TLC1.
- 93 It is worth noting that the Government is currently consulting on proposals to introduce a new permitted development right that would allow a change of use from commercial, business and service (Class E) to residential (C3). We have significant concerns generally about this proposal which we will address in our consultation response to the Government. However, there will be specific implications for this development should planning permission be granted. The irreversible nature of the Government proposals means that town centre retail and commercial uses will be permanently lost, impacting significantly on the vitality and viability of Sevenoaks town centre, and its ability to continue to serve and support the local community. It is therefore suggested that, should planning permission be granted, a condition is attached which removes permitted development rights in relation to the non-residential floorspace.
- 94 Provision of affordable housing and size and type of housing

- 95 It is understood that a total of 12 of the 102 residential units are to be affordable. This does not meet the requirements of Core Strategy policy SP3, which requires 40% affordable housing to be provided. A viability assessment is therefore required to demonstrate why this is not possible.
- 96 Of the 12 affordable units proposed, 6 (50%) are to be affordable rented and 6 (50%) are to be shared ownership. This tenure split is not in accordance with Core Strategy policy SP3, which seeks 65% of units for social/affordable rent and 35% for intermediate housing. However, the policy does allow for some flexibility and the Housing Policy Team may wish to comment further on the suitability of the proposed tenure split. Core Strategy policy SP5 states that new housing development is expected to contribute to a mix of different housing types and promotes the inclusion of smaller units (less than 3 beds). The proposed mix (42 x 1b2pf, 26 x 2b3pf, 29 x 2b4pf, 3 x 3b4pf and 4 x 3b5pf) would appear to satisfy the policy requirement.
- 97 It is welcomed that all units will meet the Nationally Described Space Standards, 90% will meet Part M4(2) of the Building Regulations and 10% will meet Part M4(3).5-year housing land supply. The latest five year supply position is set out in the Council's Housing Delivery Test Action Plan (August 2020) available on the website here:  
[https://www.sevenoaks.gov.uk/info/20069129/current\\_local\\_plan/475/housing\\_delivery\\_test\\_action\\_plan](https://www.sevenoaks.gov.uk/info/20069129/current_local_plan/475/housing_delivery_test_action_plan).
- 98 The assessment (Appendix 1) identifies a supply of specific deliverable sites in Sevenoaks District that have the capacity to deliver 2,210 residential units in the next five years. This represents 2.6 years of the five-year supply requirement of 4,266 units (including the required 20% buffer). Accordingly, Sevenoaks District Council cannot demonstrate five years' worth of deliverable housing supply. It should be noted that the Council demonstrated a five-year housing land supply with the emerging Local Plan during the examination in October 2019.
- 99 The Housing Delivery Test Action Plan explores the reasons for under-delivery of housing in Sevenoaks District. However, it is important to note that housing need will not be met without the adoption of the emerging Local Plan.
- 100 KCC Archaeological Officer:
- 101 'Thank you for your letter consulting us on the above planning application for demolition of existing buildings and redevelopment to provide residential and retail in a 4-6 storey block with undercroft and associated works.
- 102 The site of the application lies within the historic core of Sevenoaks, considered to be a medieval market town. An early medieval settlement may have existed prior to this but Sevenoaks town developed as a medieval hub for the surrounding Weald. The site has been fairly intensively utilised over the years but there is still potential for Early Medieval and later remains to survive, particularly the area fronting the High Street.

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- 103 I note the application is supported by a Heritage DBA by Cotswolds. This report is brief but generally provides reasonable description of the archaeological potential. However, I do not agree entirely with the assumption that the archaeological potential is low. Although the site has been utilised, the extent of truncation is not known at this stage and as such I suggest there is potential for deeply buried Medieval or earlier remains to survive. These may be impacted by the undercroft earthworks especially.
- 104 In view of the archaeological potential, I recommend the following condition is placed on any forthcoming consent': - please see online comments.
- 105 Kent County Council Economic Development:  
Request for funds - please see online document. Request for condition relating to high speed broadband.
- 106 Kent County Council Highways:
- 107 Thank you for your consultation in relation to the above planning application. The proposal site is located at 136 High Street in Sevenoaks. The site was previously occupied by Tesco Metro, with a floor area of 3,750 sqm and 1,404 sqm above.
- 108 The site was previously occupied by a Tesco Metro food superstore with a Gross Internal Area (GIA) of 3,750 sq.m and an approximate total of 1,406 sq.m of office space above the Tesco store. The ground floor has been vacant since October 2018. The proposal seeks to provide 104 dwellings with 52 car parking spaces as undercroft parking. Three spaces are proposed to be reserved for disabled users, two are to be active electric charging (with a further two as passive EVC), and a dedicated 'car club' space.
- 109 A new public walkway is proposed on the northern edge of the proposal site, which will provide improved connection between the A225 High Street and Suffolk Way. The retail unit is to be accessed directly from the A225 High Street. Access to the residential units will be from 3 locations, two from Suffolk Way and one from the walkway between High Street and Suffolk Way. The car park will be accessed via Suffolk Way via a ramped access route. Servicing will utilise the service yard at Suffolk Way.
- 110 The site is located in a town centre location, in close proximity to a number of amenities. Sevenoaks railway station is located approximately 1km from the site. Despite this distance, I consider that future residents will utilise the railway station as a viable travel option.
- 111 Servicing
- 112 The existing service yard is located at Suffolk Way, which is proposed to be modified to provide a dedicated service area to the rear of the site for both residential and retail. Swept path drawings have been provided to illustrate that a rigid 11.2 metres refuse vehicle, as well as a 10.5 rigid delivery vehicle can turn within the site to enter and exit in a forward gear.

- 113 Parking
- 114 The site is located in a town centre location, whereby Kent Design Interim Guidance Note 3 (IGN3) outlines maximum standards of 1 space per unit for flats. As a town centre location, visitor parking should be accommodated within public car parks. No parking is proposed for the ground floor retail element of the proposal. All service vehicles will be able to access and turn in the service yard to the rear via Suffolk Way. SPG4 cycle parking standards require a minimum of 1 cycle parking space per unit for flats. The proposal seeks to provide 112 cycle parking space for the proposed dwellings which is acceptable. Ten cycle parking spaces are proposed for the retail element, which exceeds the required 4 spaces in line with SPG4.
- 115 Traffic Assessment
- 116 Due to the current restrictions, the most suitable approach has been agreed in utilising data from the Buckhurst 2 planning application. As part of the Buckhurst 2 TA, surveys were conducted between 07:00 - 10:00 and 16:00 - 19:00 on Thursday 27 April 2017. This data includes the Tesco Metro store, but not the offices above.  
The extant use of retail at ground floor and offices on upper floors is utilised as the fallback position against which the proposed development has been assessed.  
TRICS has been interrogated to assess the trip rates associated with the existing ground floor retail. Minimal parking is provided to the rear of the site, whereby it can be assumed that the majority of trips will occur with customers parking in Bligh's Meadow Car Park to the west of Suffolk Way and Buckhurst Car Parks.
- 117 Due to the town centre location, an assumption has been made that 50% of trips to the existing retail store are secondary trips already on the network in the form of pass by or linked trips.
- 118 The upper floors (offices) have been vacant for a number of years, and have therefore not been included in the future years. The traffic associated with the offices would not have been included in the 2017 traffic surveys.
- 119 Growth factors have been derived from TEMPro for the period 2017 to 2025. The 2025 bas flows include growth factors, minus the existing retail use traffic flows. TRICS has been interrogated to assess the vehicle trips for the proposed retail at ground floor.
- 120 A food retail store has been assessed, although the occupier may not be a food retailer. The trips for 746sqm of floor space sees 34 two way trips in the AM peak and 69 two way trips in the PM peak. As previously noted, traffic associated with the proposed retail assumes to utilise the existing car parks such as Bligh's meadow, Suffolk Way and Buckhurst car park. In addition, it is accepted that 50% of the proposed retail trips will be secondary trips. The TRICS assessment outlines a reduction in trips from the existing retail compared to the proposed retail, resulting -135 trips in the AM peak and -280 in the PM peak. Again, TRICS has been interrogated to understand the proposed residential trips for 104 flats, resulting in 26 two way trips in the AM peak and 31 two way trips in the PM peak. Journeys

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have been assigned and routed through the network, assessing journey planner tools.

- 121 The net traffic impact of the proposal (proposed trips minus the existing) has been assessed at each junction within the study area. This indicates an overall decrease in vehicle movements at each of the junctions.
- 122 Junction Capacity
- 123 While the above assessments indicate a net reduction, a junction capacity assessment has been requested for Pembroke Road / Suffolk Way signal junction. This was deemed appropriate due to the upgrade works that were carried out at the junction as part of the Buckhurst 2 application.
- 124 The Buckhurst 2 application indicated that the Pembroke Road junction was operating close to capacity in future scenarios. As the proposal sees a reduction in overall traffic movements, the junction shows an improved capacity in the 2025 base + proposed development scenario, compared to the existing scenario.
- 125 Personal Injury Collisions
- 126 A 'cluster' of collisions took place on the London Road / High Street junction to the south of the site where 6 collisions occurred. However, these collisions took place between 2015 and 2019. Having checked the data available, there are no further incidents recorded.
- 127 Pedestrian Movements
- 128 The proposal introduces landscaping and pedestrian access from the High Street to Suffolk Way, which improves connectivity. This could be improved further by the introduction of a pedestrian crossing facility at the High Street to connect to the pedestrian route from BlighsWalk. I suggest this is secured by Section 106 contributions, and would be subject to a S278 Agreement.
- 129 Car Parking
- 130 The first car parking space as vehicles enter the car park requires widening as it abuts a wall. Little manoeuvrability is available for vehicles entering or exiting this space without interrupting the flow of vehicles entering the site. Tracking appears to indicate that vehicles will perform a turning manoeuvre prior to entering the space, but this is not guaranteed that drivers will enter the space in such a way. The car parking space to the north east aspect requires widening due to abutting a wall. The parking space in the north west corner aligns with the space at a 90-degree angle, which may create a conflict. I suggest that the parking area is one way to prevent conflicts occurring.
- 131 Conclusions
- 132 I raise no objection to the proposal on highway safety grounds. The parking proposed is below the 1 space per flat outlined in IGN3. However, these are maximum standards, and I raise no concerns due to the town centre location

of the site. A car club is proposed, which aid in mitigating the reduced car parking provision. I suggest that the car parking is allocated and the submission of a car parking management plan which can be secured by Condition.

133 In line with the above, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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 / signage

- Submission of a Parking Management Plan to be submitted and approved prior to first occupation. This should include a one-way system, including signage and how spaces are to be allocated.

- All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

- Submission of plans for a pedestrian crossing at High Street to provide an improved link from Blighs Meadow to the proposed link between High Street /Suffolk Way and the site.

134 Works subject to a Section 106 Agreement / Section 278 Agreement.

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

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- 136 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.
- 137 South East Coast Ambulance Service NHS:  
No response.
- 138 Sevenoaks Fire and Rescue:  
No response.
- 139 Air Quality, Environmental Health and Land Contamination:
- 140 The proposed development is adjacent to an AQMA and to some degree will have an adverse impact on air quality in the vicinity. As such the applicant should provide measures to offset the impact, for this it would be typical to undertake a damage cost analysis to determine the value of measures to be provided. Due to government policy on the phasing out of conventional fuelled vehicles, the applicant should provide at least a third of parking spaces with EV charging points and infrastructure to make them available at all other parking spaces.
- 141 I am satisfied with the initial contaminated land investigation and that intrusive investigation, remediation and final verification report may be necessary. Both of the issues above could be dealt with by condition if you were minded to grant permission.
- 142 However, I do not believe the noise assessment is adequate to determine this application nor can the shortfall be addressed by condition. The noise report lacks detail, it was unclear how much design detail was known at the time of the assessment but I have difficulties with some of the details and lack of specific information required for a development of this scale and location.
- 143 Guidance, the report fails to reference BS4142:2014+A1:2019 only BS4142:2014, which was revised due to errors and misinterpretation that required clarification. National Planning Policy Guidance and planning practice guidance was revised a number of years ago replacing paragraph 123 regarding noise and the associated guidance and it is fundamental that this is addressed in any application due to the potential implications for future residents. The requirements of paragraphs 170(e), 180(a) and 182 should be met by any assessment, in particular I am concerned that the requirements of paragraph 182 have not been met.
- 144 Whilst some of the WHO guidance has been mentioned, the Environmental Noise Guidance for the European Region has not been considered. BS4142:2014+A1:2019 should be used to evaluate the plant, equipment, service yards etc. of the existing and proposed business operations that may potentially have an impact on the proposed dwellings and for the proposed



development on existing dwellings and reported in the manner described in the standard.

- 145 I believe the monitoring period used for the assessment was too short and whilst the author suggested that sampling at 62.5 millisecond intervals helps characterise the noise, this is a deviation from BS7445-1:2003 where typically a fast response of 125 milliseconds is used so a greater explanation of the use of this should be provided. It is difficult to see how the noise values for the day and night-time were derived from the monitoring undertaken unless there was other unreported monitoring.
- 146 From the information provided I cannot support this application.
- 147 Follow up response:  
Details of noise impact can be conditioned as pre-commencement.
- 148 Thames Water:
- 149 Waste Comments
- 150 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.
- 151 Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:
- 152 “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 0203577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section”.
- 153 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-large-site/Apply-and-pay-for-services/Wastewater-services>.

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- 154 The proposed development is located within 15 meters of a strategic sewer. Thames Water request the following condition to be added to any planning permission.
- 155 “No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”
- 156 Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure Piling has the potential to significantly impact/ cause failure of local underground sewerage utility infrastructure. Please read out guide ‘working near our assets’ to ensure your working will be in line with the necessary process you need to follow if you’re considering working above or near our pipes or other structures.
- 157 <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water.
- 158 Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 159 Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 160 There are public sewers crossing or close to your development. If you’re planning significant work near our sewers, it’s important that you minimize the risk of damage. We’ll need to check that your development doesn’t limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
- 161 <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 162 As required by Building regulations part H paragraph 2.36, Thames Water request 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 sewage 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 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 [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk).

- 163 Please refer to the Wholesale; Business customers; Groundwater discharge section.
- 164 Thames Water would recommend that petrol/ oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourse.
- 165 Water comments
- 166 With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH. Tel: 01444 448200.
- 167 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 168 Crime Design:
- 169 Only site specific comments included for full comments please see online document.
- 170 The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.
- 171 1. We recommend the use of the Secured By Design (SBD) Homes 1019 and SBD Commercial 2015 initiatives for this proposal.
- 172 2. The level of permeability must ensure routes through the development are appropriate and well-designed to create safer accessible neighbourhoods with maximum natural surveillance opportunities and avoid them providing too many access and escape routes. It is important that the area below the archway leading to Chandlers Yard is finished in a light colour and is lit to BS5489-1:2020, in order to provide maximum natural and informal surveillance.
- 173 3. Parking inc. visitor. To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. Ground or wall anchors can help provide this.
- 174 As an observation, the parking provision of 52 spaces for 104 apartments does not appear adequate for the size of the proposed scheme. Lack of

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parking may lead to potential neighbour and parking disputes and as such, it is essential that parking is allocated appropriately and defined from the outset, should this application receive planning consent. Parking spaces should be marked, but it should not be possible to identify the apartment number from the allocated parking space marking.

- 175 The proposed lower ground floor (drawing number 237) undercroft basement parking area is of concern. Such areas can attract all kinds of crime and anti-social behaviour. We note that a “Security gate is provided for the below ground residents’ car park” as detailing in section 9.5 and again in section 9.7 “The car parking will be provided with a security gate with exclusive access for residents.” of the DAS, although this gate is not shown on drawing number 237, gates are shown on drawing number 200. It is essential that these gates are installed should this application receive planning consent in the interests of security.
- 176 The parking areas should be lit to BS5489-1:2020 in line with SBD and British Parking Association (BPA) Park Mark Safer Parking Scheme standards. We note the reference to BS5489 within section 9.5 of the DAS.
- 177 Full access control and door entry systems will be required to protect all stair and lift cores.
- 178 CCTV will be required to cover the main vehicle access ramp, entrances to the stair and lift cores. We note the reference CCTV surveillance within section 9.5 of the DAS.
- 179 4. Lighting. Any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP) to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:
- 180 “18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.”
- 181 Lighting should conform to BS5489-1:2020. We note the reference to BS5489 within section 9.5 of the DAS.
- 182 5. Access Control. Full audio visual door entry access control systems will be required for each of the main entrance lobbies of all blocks. We note the inclusion of CCTV to cover the lobbies.
- 183 6. Doorsets. Doorsets should be certified to PAS24:2016 for all communal entrances/exits, individual front doorsets for each apartment, any easily accessible doorsets such as balconies.
- 184 7. Windows. Windows all ground floor and any easily accessible windows should be certified to PAS24:2016. Laminated glazing is recommended.
- 185 8. Security Compartmentation. Full security compartmentation will be required for any block of apartments of 25 units or more (i.e. Block A 31 units and Block B 61 units). It should only be possible for residents to access

the floor level where their apartment is located, along with other communal areas. It should not be possible for residents to access other parts of the building or other blocks. Security compartmentation should conform to SBD Homes 2019.

- 186 9. Cycle stores. Cycle stores should have lockable doors, be lit and it should be possible to secure bikes racking in two places and should conform to SBD Homes 2019 specifications. We note that “All cycle stores are secure and provided by fob access” within section 9.5 of the DAS.
- 187 10. Bin Stores. The bin store should have lockable doors and be lit and should conform to SBD Homes 2019 specifications. Additional access control measures will be required to protect any bypassing of the main entrance access control measures on bin collection days.
- 188 11. Mail delivery. Mail delivery will need to be considered. Exterior mail boxes negate the need for anyone delivering mail to enter the building. Exterior mail boxes should be certified to TS009 security specifications. A through the wall system (if space allows) also negates the need for anyone delivery mail to enter the building. If internal mail boxes are installed in the lobby areas, as shown for Blocks A, B and C in the proposed ground floor plan (drawing number 200) additional access controlled doorsets will be required to protect any stair and lift cores. It should not be possible for anyone delivering mail to access other parts of the building.
- 189 12. Roof amenity space. We strongly recommend that all seating and tables are fixed. Access control measures should be installed to prevent crossing between block A and B. Residents should only be able to access the block where their apartment is located. The boundary of the roof area should be protected with screens/railings or similar, of sufficient height (ideally 1.8m) to prevent falling.
- 190 13. If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007.
- 191 The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
- 192 We welcome a discussion with the applicant/agent about site specific designing out crime.
- 193 Housing Policy:
- 194 It is noted the development provides 104 homes, of which 12 homes (12%) will be provided as Affordable Housing. This level of affordable housing does not comply with Core Strategy policy SP3, which requires 40% provision on a development of this size. A viability assessment has been provided setting out the applicant’s case for reduced provision and it appears vacant building credit is also claimed. Housing Policy understands the District Council has commissioned its own, independent viability assessment to determine the

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appropriate level of affordable housing to be provided. Please see further commentary below.

- 195 The affordable housing should be secured via the District Council's template S106 agreement. Please see the website for a copy of the template.
- 196 It is noted the affordable housing is intended to be located in a single block, Block C, "Bowline House". Bowline House will comprise 100% affordable housing. This concentration of affordable housing is acceptable in a flatted development, as is proposed here.
- 197 It is noted the development will provide 42 x 1b, 32 x 2b and 4 x 3b flats. The affordable housing is proposed as 3 x 1b and 9 x 2b single storey flats. In light of identified housing needs, this mix is acceptable.
- 198 It is noted all homes will meet the Nationally Described Space Standards. Alongside this, 90% of the homes will meet Part M4(2) of the Building Regulations (the Lifetime Homes Standard) and 10% will meet Part M4(3) - wheelchair standard housing. It appears Bowline House will be M4(2) compliant. These attributes go beyond current planning policy requirements, and are welcomed. However, it is disappointing that none of the affordable housing is indicated to be M4(3) compliant. If there is scope to provide some affordable housing which is M4(3) compliant, this would be welcomed.
- 199 It is noted the applicant proposes the 12 affordable homes will be provided with a tenure split of 50% for Affordable Rent and 50% for Shared Ownership. This tenure split is not compliant with Core Strategy Policy SP3, which seeks 65% of homes for Social/Affordable Rent and 35% for intermediate housing, and is therefore not accepted. However, where affordable housing is being provided in a single block location, a mix of affordable tenures is not considered suitable and is therefore not supported. In light of identified housing needs, and in order to assist the District Council in meeting its statutory housing function, 100% of the affordable housing is therefore sought as Affordable Rent. The Planning Statement details consultees' concern over the affordability of housing on the development. Provision of homes for Affordable Rent will help to overcome this concern.
- 200 It is noted Bowline House will have lift access. This will ensure the affordable homes are accessible to a wide range of households, including the priority group set out in the Housing Strategy 2017 - older social housing tenants who wish to downsize. However early dialogue with an affordable housing provider is essential to ensure design features are deliverable and affordable within an affordable housing context. Please see the SDC website for contact details of our affordable housing providers. It is noted some of the flats in Bowline House include an en-suite shower room. This feature is not required in single storey, one and two bedroom homes for Affordable Rent, and is not supported. Instead, an enlarged main bedroom space would be preferred.
- 201 Any service charge levied on the affordable housing must be set at a level to ensure it is affordable to occupants. This matter is dealt with by the District

Council's template S106 agreement. It appears Bowline House will not have access to on site car parking or the roof terrace (Design & Access Statement, paragraphs 5.5.3 and 5.5.8). The District Council does not support any "poor door" style features and any such restrictions require further dialogue with the Housing Strategy Manager and the selected affordable housing provider.

- 202 Should the District Council's own viability assessment conclude that a higher level of affordable housing is appropriate, additional affordable housing will be required. Such provision could take the form of more affordable homes on site, a financial contribution in lieu or a combination of the two. The exact form of any additional provision, including tenure and location, should be subject to the agreement of the Housing Strategy Manager.
- 203 It is noted all homes will benefit from renewable electricity. This should reduce costs to occupiers as well as providing cleaner energy, and is welcomed.

### Representations

- 204 We received 49 written representations objecting to the proposal:
- Place strain on existing amenities, road and parking
  - Modern apartment block takes away from historic beauty of the town
  - No requirement for additional commercial space due to those already closing
  - More residents would result in unsupportable traffic issues
  - Out of proportion with the town centre
  - Insufficient planting
  - Only three storeys suitable for Suffolk Way
  - More reasonably priced shops required
  - Proposal is a developer -led soulless carbuncle out of scale with the historic environment
  - Insufficient affordable housing
  - Insufficient travel plan, more car club spaces required and more electrical vehicle charging points
  - Development is too tall for the character of the area - only two storeys should be allowed
  - Overlooking of 23 Knole Way
  - Sever overlooking of Knole Way
  - Over development of the site
  - Significant loss of privacy, light due to increased height for 12 Knole Way
  - Lack of positive contribution to public realm
  - Insufficient quality of sustainability and design of the building
  - White Paper seeks the creation of beautiful places - not reflected in the current design
  - Master planning is required for Suffolk Way
  - Too dense with 248dph
  - Creates a further barrier between the development and Knole Park
  - Harm to the historic landscape
  - Development will be overbearing and dominate

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- Proposed flats have a lack of daylight sunlight and overheating
- Sets a dangerous precedent for the town Conservation Area
- Legacy issues with large 60s style developments
- Height restriction relating to Bligh's development
- Development would be neat and an asset to the High Street
- Out of proportion with existing development
- To many people living in close proximity to one another (reference to covid-19)
- Added pollution from additional vehicles
- Water and power infrastructure required will cause distribution during construction
- No positive contribution to the public realm
- Inadequate affordable housing only 12% provision
- Unsympathetic appearance for market town
- Profit driven development
- Overlooking from development and balconies to Knole Way
- Some of the proposed flats have limited windows and no windows to kitchen - limited storage
- Architecturally dispiriting
- Too many bulky overdeveloped blocks appearing across Sevenoaks
- Spare capacity of the new multi storey car park would be taken up by the new development
- Fourth storey along the High Street is not set back at a sufficient distance
- Six storey building would limit access for delivery vehicles
- Design would detract from visitor's experience of the High Street
- Covid- 19 and lockdown prevent consultation
- Insufficient cycle parking - 15 rack as a minimum
- Documents provided by local government should be literate
- Verified views are selective and proposal would be an eye sore
- Impact during construction to noise, dust, vibration and parking would be negative
- Provided selling points for the affordable element have been undersold
- Condition to prevent public parking for construction purposes
- Misleading images
- Sufficient cycle parking should be provided to ensure limited traffic in the area
- Suffolk Way should be reduced in scale to slow vehicles
- Way of life has changed since lockdown and people spend more time at home 100 flats are not needed

205 We received 6 written representations supporting the proposal:

- Create extra jobs and homes in an existing empty site
- Good opportunity for the town
- Support subject to privacy concerns being addressed
- Support residential use in the High Street which will benefit retailers and hospitality venues
- Car parking reasonable given long term decline in commuter parking



- Good to provide affordable housing to the High Street

206 We received 8 written representations neither supporting or objecting to the proposal:

- Parking spaces insufficient
- Retail space good addition so long as the rent is reasonable
- Retail element would need to support local business
- Request for further verified views
- Good to see re-use of the site
- 12A Knole Way is mislabelled as 12 Knole Way - corrected on site context (Daylight Sunlight assessment includes mapping it is clear 12 Knole Way is in fact 12A Knole Way)
- The site context was corrected to illustrate the correct distance from the development to the 12A Knole Way. The section has been removed from the plan which did not include level differences which is misleading.

#### Chief Planning Officer's appraisal

207 The main planning considerations are:

- Principal of Development:  
Employment and Retail  
Housing Type
- Impact to the Conservation Area and Adjacent Listed Building:  
Conservation Area  
Listed Building  
Area of Archaeological Potential
- Impact to the design and character of the area:  
Design and character  
Public Realm  
Density
- Impact to amenity:  
Existing units
  - i) Daylight/sunlight
  - ii) Privacy
  - iii) OutlookProposed units
  - iv) Daylight/sunlight
  - v) Privacy
  - vi) Outlook
  - vii) Amenity SpaceNoise  
Summary
- Impact to Highways and Parking
- Impact to Trees and Landscaping
- Impact to Biodiversity
- Sustainability:  
BREEAM

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### Air Quality Transport

- Land Contamination
- Affordable Housing
- Drainage
- Tilted Balance
- Other:
  - Fire and Rescue
  - White Paper
  - Rent and tenure
  - Internal temperatures

### Principal of Development

- 208 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.
- 209 The National Planning Policy Framework defines previously developed land as:
- ‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure’.
- 210 The application site currently houses a three storey building with associated hardstanding. The site is considered to represent previously developed land. Due to the town centre location development is required by the NPPF to make efficient use of said land.
- 211 Policy LO1 of the Sevenoaks District Council Core Strategy (CS) states that development will be focused within the built confines of existing settlements. The policy continues to state that Sevenoaks urban area, which includes Sevenoaks town centre, will be the principal focus for development in the District.
- 212 The application site is located in Sevenoaks town, which is considered a sustainable location for development. The proximity to local shops, services and transport hubs including the bus stop and main line rail station reduce reliance on vehicles.
- 213 As the site is located in Sevenoaks town policy LO3 applies. Policy LO3 seeks to retain and enhance a mix of uses including retail, offices and residential development while maintaining the historic form and character. New development should be of a scale consistent with existing character of the centre and contribute to quality of the town centre location.
- 214 The proposal would provide a mix of commercial/retail floor space at ground floor fronting the High Street. Partial residential accommodation at ground floor would extend along the northern access route and alongside

Suffolk Way. The upper floors would contain residential accommodation only. A mix of uses is proposed on site and the proposal seeks to maintain an active frontage on site. Therefore, the principle of the redevelopment of the site is acceptable in line with policy LO3 of the Sevenoaks Core Strategy.

- 215 Employment and Retail:
- 216 136 High Street formally operated with office space located in the upper floors and retail/food store at ground floor. The building is currently vacant and has been for a number of years which has a detrimental impact on the quality of the High Street in the activity generated by active frontage.
- 217 The proposal would see the loss of office space at first and second floor. The applicant has indicated a loss of 1,395sqm of office space as a result of the proposal.
- 218 However, the office space could be lost to residential use in any event as Class O, Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended). The GDPO allows for office to residential conversion without planning permission. The applicant already has prior approval granted under application 19/01761/PAC but has not implemented the prior approval. The prior approval does however represent a valid fall-back position for the loss of the office space.
- 219 Policy TLC1 of the Allocation and Development Management Plan (ADMP) does allow for mixed use development. The policy focuses on retention of retail frontage at ground floor. The policy does allow for change of use on upper floors so long as this does not interfere with the ground floor use.
- 220 The office space is not located in an allocated employment site and policy TLC1 does have a flexible approach to the loss of commercial space above ground floor. The office space has been vacant for a number of years and the sites lack of activity is harmful to the vitality of the High Street. Further, the office space could be lost as a result of central government legislation in the form of the prior approval.
- 221 The proposal seeks to create three retail/commercial units which would front the High Street. The existing building formally contained a retail (clothing) store which had a northern side access and a food store, for which the entrance was accessed under a covered walkway set well back from the High Street.
- 222 The proposal would see a loss of retail floor space, the applicant has indicated the current A1 coverage on site is 1,490sqm. The proposal would have a total of 931sqm of which 732sqm would represent the tradeable area. The proposal would see a loss of floor space. Some variance in calculations between measurements of plans and the figures outlined by the applicant are evident, the loss of floor-space is the established position.
- 223 The application site is located on a primary retail frontage, policy TLC1 seeks to retain 70% of the ground floor frontage across the whole of the primary frontage as a Class A1 use. In September 2020 central government

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introduced amendments to the use class order. Class A1 is now defined as Class E(a).

- 224 The proposal would result in loss of floor space however the proposed building would see a set back from its existing western elevations position. The setback would allow for increase public space around the front of the building with seating and vegetation. The revised elevation would create direct access from the High Street to the proposed three units. The use of glazed brick, defined shop fronts and visibility from the public realm would see an uplift in the proposed quality from the existing building. The separation into three units would also provide increased variety.
- 225 The retail units on site have been vacant since 2018 which has a detrimental impact on the High Street as loss of footfall and activity reduces the quality of provision in the town centre. Paragraph 85 of the NPPF also recognises that planning decisions should take a positive approach to their growth, management and adaptation. Paragraph 85(f) requires that decisions and policy should:
- ‘recognise that residential development often plays an important role in ensuring the vitality of centres and encouraging residential development on appropriate sites’.
- 226 On balance, the loss of retail space versus that proposed is considered acceptable as it would introduce qualitative retail space on a currently vacant plot. The introduction of residential use on the rest of the site would add footfall and activity to the High Street which is recognised as healthy for the longer term viability of Sevenoaks High Street.
- 227 The Planning Policy Officer has highlighted that permitted development rights for town centres could be subject to changes currently under consultation with Central Government. To ensure no further loss to the High Street would occur conditions would restrict change of use without prior consent from the authority and stipulate the uses (E1(a)) that would be appropriate for this section of the primary retail frontage.
- 228 The proposal is considered to comply with policy TLC1 of the ADMP.
- 229 Housing size and Type:
- 230 Policy SP5 of the Core Strategy states that the council will expect new development to contribute to a mix of different housing types in residential areas, taking into account of specific local circumstances. The policy guidance indicates that the Strategic Housing Market Assessment (SHMA) recommends the following targets:
- 20% - 1 bedroom
  - 30% - 2 bedroom
  - 35% - 3 bedroom
  - 15% - 4 bedroom

- 231 The guidance states that an average of 50% 2 bedroom units across all developments. The proposal seeks the creation of 104 residential units. These would be broken down into:
- 42 x 1 bedrooms
  - 55 x 2 bedrooms
  - 7 x 3 bedrooms
- 232 The proposal would slightly exceed 50% of all units comprising 2 bedrooms. The proposal would provide an elevated number of 1 bedroom properties and a lesser degree of 3 bedroom properties. However, the policy applies generally across the district. In this instance the development would be located in the town centre and the provision of more 1 bedroom properties would be appropriate to the location.
- 233 The guidance for housing type illustrates that the proportion of older people in the population is set to rise. Housing stock is required to meet the needs of an aging population. The proposal would offer flats which can be accessed via ground or the lift access proposed. Apartments in the town centre location offers a sustainable location for downsizing for an aging population.
- 234 The proposal would overall reflect the housing size and type required by policy SP5 of the Core Strategy.
- 235 Summary:
- 236 Overall, the proposal would seek the redevelopment of previously developed land in a town centre location. The proposal would retain a mix use development with retail/commercial space at ground floor. The proposal would see an uplift in the quality of the built form for the retail provision. The housing type reflects the requirements of the district.
- 237 The proposed development would be considered principally acceptable, subject to other material planning considerations against policies LO1 and LO3 of the Core Strategy and policy TLC1 of the ADMP.

**Impact to the Conservation Area and Impact on Listed Buildings and their setting:**

- 238 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.
- 239 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.

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- 240 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.
- 241 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.
- 242 The NPPF also states that great weight should be given to the conservation of heritage assets (para.193).
- 243 Conservation Area:
- 244 The application site is located in the Sevenoaks High Street Conservation Area which is a designated heritage asset. The Conservation Area Appraisal and Management Plan identifies that the site is located in the northern limits of the shopping area. The High Street is part of the historic market town of Sevenoaks.
- 245 The Conservation Area is characterised by the variety of architectural styles, height and composition. The variety of architecture observed in the High Street reflects the evolution of the town during the mid- 19<sup>th</sup> century due to the development of the railway lines.
- 246 The Conservation Area Appraisal identifies that the northern limits of the shopping area of the High Street is similar to other shopping streets. The appraisal acknowledges this section of the High Street, as a result of newer development, is comparatively bland. The area does however have a cohesive commercial character, with many buildings of interest.
- 247 The site is comprised of a three storey building 136 High Street which was constructed in the late 1970s. The front portion of the building and site is located within the Conservation Area. The building is of brick construction and its overall form and massing results in a dominant appearance in the High Street which is exacerbated by its tone and a deep top heavy mansard roof.
- 248 The Conservation Officer has identified that the existing building is not of architectural or historic interest. The building does not contribute to the character and appearance of the Conservation Area. As such, the principle demolition of the building is considered acceptable and complies with policy EN3 of the ADMP.
- 249 Along the High Street the building would be four storeys in height. However, the fourth storey would be set back from the main elevation. The setback reduces the overall bulk and massing and impression of height from the street scene perspective.
- 250 The front façade of the building fronting the High Street would be treated as four bays. The width, scale and appearance of the four bays would follow the pattern rhythm of the High Street. The bay of the buildings along the

High Street tend to be narrow and well proportioned. The proposed bays have been articulated above ground floor with brick detailing which continues the vertical emphasis of the building.

- 251 Although the appearance of the building has a modern appearance. The proposed architectural style follows a Georgian/neo-Georgian design. The proposed style of architecture can be observed in the northern extent of the High Street. The pattern and rhythm of bays and proportionate fenestration can be observed on the built form in the vicinity of the site.
- 252 The Conservation Officer has noted the proposed shop fronts have taken a contemporary interpretation of historic shop fronts. The proposal includes stall risers, mullions, fascia and signage all follow traditional proportions and style. The details are accepted in principle by the Conservation Officer.
- 253 Shop fronts provide visual interest to the street scene. Historically as well as now shop windows are used for the advertisement of goods and add to the character to the street scene. The Conservation Officer is concerned that panels located to the northern side elevation for the retail units would create a wide blank façade devoid of character. However, these panels are not evident on the proposed elevations.
- 254 The Conservation Officer also considers that the last bay, on the northern corner of the High Street, requires signage to cover the vents and provide a degree of uniformity. The shop fronts have been well detailed with the glazing and doors set in from the elevation to provide depth and interest.
- 255 To ensure the quality of the shop fronts to the east and western elevations a condition for details of the proposed signage and overall treatment. The shop frontages would need to be installed prior to the occupation of the residential units to ensure the vibrancy of the High Street is retained.
- 256 The High Street is subject to slight curvature, when approaching the site from the south long views of the proposal would be muted by the proposed set back from the pedestrian walkways. The views from Suffolk Way towards the Conservation Area have been affected by the blank facades of existing buildings. Only a few narrow glimpses of the traditional roofs within the Conservation Area can be garnered and the proposal would not significantly obstruct views of the Conservation Area.
- 257 The verified views of the site illustrated that the distance, topography and tree cover would mean the views of the proposed buildings would not adversely affect the views of the town from Knole Park. The verified views illustrate that the proposal would not overly dominate the Conservation Area.
- 258 Longer views looking towards the High Street into the conservation area from Suffolk Way have been already greatly affected by the large blank facades of existing buildings with only narrow glimpses of traditional roofscapes as such the proposed development will not have a greater impact. Due to the topography and tree cover, it will not adversely affect longer views into the town from Knole.

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- 259 The Conservation Officer considers that the use of glazed brick work at ground floor to the retail element of the building would add interest, texture and depth to the High Street. The use of glazed brick aids in creating a distinction between the retail and residential elements of the building.
- 260 The Conservation Officer has no objections to the use of brick work which can be observed in the High Street. However, some concerns with the use of white brick work which they consider is not typical of the area. Painted white brickwork is present on the neighbouring buildings and white render can also be observed locally. However, given the age of the brick work, narrow and modest proportions of the neighbouring building is accepted this has a different appearance to the more contemporary appearance of the proposed building.
- 261 The use of a different coloured brick work to the corners of the proposed building, alongside the recessing of the last bay, breaks up the bulk and massing. The different tones create visual interest and breaks whilst simultaneously providing cues to the public realm. A condition for samples of materials with different tone to the white brick work would be attached to any consent.
- 262 Overall, the Conservation Officer considers that while the proposed building would be higher than the existing, the architectural style, roof, form and materiality better reflect the character of the Conservation Area. The improvement to the public realm would benefit pedestrian use and experience of the High Street. The proposal removes the oppressive overpass which creates greater permeability between the High Street and Suffolk Way.
- 263 The majority of the proposed development would be located outside of the Conservation Area. Given, the existing bulk and massing of the built form the proposal would be considered to conserve the character of the Conservation Area. The improvements to public realm would also represent an enhancement to the High Street. Therefore, the proposal would comply with policy EN4 of the ADMP.
- 264 Setting of the Listed Building:
- 265 The existing building 136 High Street is partially connected to the exterior northern flank wall of 134 High Street. 134 High Street is a Grade II listed building. The buildings significance is defined as a three storey building with an 18<sup>th</sup> century façade with two widely spaced windows. The building is comprised of painted brickwork, painted brick band above the first floor windows. The building has corbelled modillioned eaves and gutters with a hipped tiled roof with modern shop fronts and sash windows with glazing bars.
- 266 The proposal would remove the attachment between 136 High Street and the listed building would also see the western elevation of the proposed building set back from the High Street. The detachment would improve the setting of the listed building by revealing a greater portion of the side wall of 134 High Street.



- 267 The rear of the listed buildings, 128 -134 High Street, are partially visible along Suffolk Way. However, the Conservation Officer has noted that these elevations have already been affected by unsympathetic extensions and larger post war buildings and service yards. Proposed block B and C would obscure views of the rear elevations along Suffolk Way, however as these elevations are not of high quality the setting of the listed buildings would not be adversely affected by the proposal.
- 268 The creation of Chandlers Yard means that the physical proximity of built form to the rear of 134 High Street would move further from the listed building. The built form would shift further towards Chandler Walk and Suffolk Way. The separation provides a greater reveal and relief to the listed building.
- 269 The existing building was constructed in the late 1970s, the brick building is top heavy with a deep mansard roof, first floor overhang and northern overpass. The building detracts from the character of the historic High Street. The proposed buildings composition is considered to better reflect the architectural styles in the area and would therefore improve the setting of the listed buildings.
- 270 The proposed development is considered to both Conserve and enhance the setting and quality of the Listed Buildings and complies with policy EN4 of the ADMP.
- 271 Area of Archaeological Potential:
- 272 The application site is located in the historic core of Sevenoaks, which is considered to be a Medieval market town in accord with the KCC Archaeology Officer. The Officer has noted that the site has been fairly intensively utilised by previous development but considers there is still potential for Early Medieval and later remains to survive.
- 273 The Cotswold Archaeology Heritage Assessment identifies that the proposal would be subject to widespread ground impacts. The report notes that the site is considered to have lain at the northern limits of the medieval development of Sevenoaks.
- 274 The archaeological assessment considers that due to the later 20<sup>th</sup> century development on site and consequential development i.e. the existing development would have a widespread below ground impact. The result is considered to have disturbed archaeological remains, as such the site has limited value from an archaeological perspective.
- 275 The KCC Archaeological Officer considers that although the site has been subject to development the full truncation is not fully understood at this stage. The Officer considers that there may be potential for deeply buried Medieval or earlier remains to have survived. These remains could be impacted by the basement parking excavation works.
- 276 As a result, the Officer has suggested the imposition of two conditions relating to watching briefs and foundation design. These are considered

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reasonable and would be applied to any grant of consent in ensuring conservation of heritage assets in accord with policy EN4 of the ADMP.

277 Summary:

278 The proposed development is not considered to cause harm to the character and appearance of the Sevenoaks High Street Conservation Area and its setting. The proposal would conserve and enhance the Conservation Area subject to condition. The proposal would also preserve and improve the setting of the listed buildings.

279 The proposed development is considered compliant with policy EN4 of the ADMP.

### **Design and impact on the character of the area**

280 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.

281 Design and character:

282 The application site straddles two roads, the High Street and Suffolk Way. The High Street as identified above is located in the Conservation Area. Suffolk Way lies outside of the Conservation Area and the Sevenoaks Residential Character Assessment does not cover this area of the site.

283 Sevenoaks High Street has a varied architectural style and is a historic market town. The buildings to the northern half of the High Street reference the economic influence of the introduction of the railway which adds an interesting mix of architectural styles.

284 The proposed block A would front the High Street and would be set in from its existing building line. The set creates relief the High Street and opens up greater public realm and allows soft landscaping to be introduced to the High Street. The front facing commercial spaces would engage the public to a greater degree and create three attractive units.

285 The shop fronts have been carefully detailed at ground floor creating a contemporary take on historic shop fronts. The narrow and vertical emphasis follows the rhythm of Sevenoaks High Street and brick relief and signage represents an enhancement to the current building frontage.

286 The building has drawn inspiration from the neighbouring built form to the north and the height of the third storey reflects the general height of the existing built form. The additional storey is set back providing relief and reduces its impact to the pedestrians' perspective of the building.

287 The opening up of the pedestrian route creates a natural break between the built form. The opening prevents the bulky massing of the existing built form re-occurring and would add further activity and interest in this location. A focal point in the form of public art would again provide focus and interest to this corner which is an enhancement from the existing dark tunnel which form the current passage way.

- 288 Suffolk Way is a mixed character area, development consist of office space, car parks, library, residential development, supermarkets and a bus station. The variety of uses result in a mixed character and appearance to the road. The existing building turns it back to Suffolk Way as do the adjacent buildings along the High Street. The result is that the service yard and buildings create an almost industrial character to this segment of Suffolk Way.
- 289 The buildings along Suffolk Way vary in scale, appearance and architectural character. A number of the buildings have a utilitarian appearance to accommodate services such as offices, library and a bus stop. The residential units tend to be located to the southern end of Suffolk Way in the form of two storey terraces.
- 290 The Urban Design Officer recognises that the service yard and staff car parking court along Suffolk Way is a detractor to the character of the area. The proposal would create a clear building line along Suffolk Way, which the Urban Design Officer considers an improvement to the quality of the area.
- 291 The creation of a clear building line adds an active frontage to this section of Suffolk Way. The entrances and windows create passive surveillance at street level. The corner of block C, which is curved, creates a sense of arrival to the bus station, and a new streetscape adds a sense of enclosure to the western side of Suffolk Way.
- 292 The proposed residential blocks B and C would continue the development as a wraparound from the High Street. The form and massing retains a similar material language as that fronting the High Street. The elevations do however introduce a contemporary response to architectural details found locally.
- 293 Both blocks B and C have drawn from architectural details found locally and can be seen in the buildings with the introduction of archways. These can be found for the communal entrance along the northern access, corner of the access and Suffolk Way, access to the service yard and the communal access to block C. The archways have drawn inspiration from the Old Market House in Sevenoaks and Webbs Court.
- 294 The proposed archways add interest to Suffolk Way and have drawn from details observed in the wider area. The proposal would start a positive precedence along the street scene for such detailing. Lights would illuminate the archway into the service yard to draw attention to the detailing. The continuation of these details adds a great focal point to the building an architectural language to the street scene of Suffolk Way.
- 295 Block B would contain crittal windows which add interest to the overall façade of the building. The set in balconies, corner detailing and varied height break up the bulk massing of the building. The ground floor entrances of both an individual and communal nature add to the sense of activity in the area. The details add a coarser grain which responds to the buildings in the vicinity of the site.

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- 296 The overall of the height of the buildings along the northern access and along Suffolk Way does increase the overall height in the area by two storeys. However, the six storey is set in from the main elevation of the building. The developed establishes a strong sense of place and creates a distinctive place to live and work. The development is considered to reference the massing and detailing of buildings in the wider area while encouraging innovation and change as required by the NPPF in the provision of higher density buildings.
- 297 Public Realm:
- 298 The proposal seeks the demolition of the existing building and its northern overpass. The existing overpass is narrow, dark and enclosed. The path extends between the High Street and Suffolk Way. The path has limited overlooking and in the evening limited lighting illuminates the path. As a result, of the limited overlooking, enclosed space and narrow confines creates an environment which feels unsafe for pedestrian use particularly in the evening.
- 299 The proposal would significantly enhance the northern public access route. The access would retain the connection between the High Street and Suffolk Way, which leads to public services and open space. The proposed buildings siting will result in the creation of additional public space to the west along the High Street. The extend depth of the footpath allows grater permeability, the addition of three public benches and additional landscaping.
- 300 The northern access would also be subject to widening. The access would provide access to the proposed residential units. The access would be from both a communal entrance and separate entrances for ground floor flats in block B. The widening of the access would allow for:
- Planting of six trees
  - Soft landscaping,
  - Seating in the form of raised planters,
  - Street lighting,
  - Featured paving,
  - 7 Sheffield cycle stands (14 cycle spaces),
  - 2 focal points (public art),
  - Plinth to the west for Public Events,
  - Private terraces for defensible space,
  - Litter bins.
- 301 The access would be subject to greater overlooking as a result of the residential development. The increased activity level would provide a greater sense of safety and the lighting would illuminate the public area. The proposal would also improve the access route to the south of the site adjacent to no.134 High Street. The access would mean pedestrians could travel through the service yard if required.

- 302 Around the edge of block C along Suffolk Way trees would be planted in replacement of the trees to be lost. Metal fencing would be located around the corner of the building to create defensible space.
- 303 Currently the section of Suffolk Way the development would be located against has limited natural surveillance due to the predominate office and service provisions. The introduction of communal entrances, front doors and windows the degree of passive surveillance would significantly increase. The proposal would in accord with the Urban Design Officer activate Suffolk Way, increase safe and secure public space.
- 304 The proposal significantly enhances the public realm. The planting and vegetation would introduce a verdant character to this section of the high street. Public seating would create respite stops and add to the limit public seating in the town centre. The addition of a plinth and public art will add to the character of the town centre and would allow still provide space for public gatherings, such as for bonfire night and the Christmas lights switch on.
- 305 Details of all of the proposed features would be required via condition to ensure the quality is reflective of the wider character of the Conservation Area.
- 306 Density:
- 307 Policy SP7 of the ADMP states that new housing will be developed at a density that is consistent with achieving good design. The policy states that within Sevenoaks town centre new residential development would be expected to achieve a density of 75 dwellings per hectares (dph). The policy recognises that development that fails to make efficient use of land for housing may be refused permission.
- 308 The density figure of 75dph is a base line figure i.e. development should at least meet 75dph as a minimum. Density of development calculations do not always illustrate the formation of a development. Density is not a proxy for well-designed buildings and functional open spaces. Flatted development clearly will have a greater density than detached properties.
- 309 The key test of policy SP7 is how the proposal would perform against design criteria and impact on the character of the area, rather than how the development performs against the density figure. Efficient use of land in the town centre and urban environments is a key planning principle utilised to protect the countryside, including the 93% Green Belt that covers Sevenoaks District. Increased densities are therefore a requirement in the Districts urban areas particularly its principle town centre.
- 310 Paragraph 123 of the National Planning Policy is clear that:  
  
‘Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that planning policies and decisions avoid homes being built at low densities, *and ensure that developments make optimal use of the potential of each site*’.

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- 311 The proposed development would result in an approximate density figure of 241dph. As above, the proposed development is considered to reflect the character of the Conservation Area is of high quality allowing for amenity space and enhanced public realm. Against the design criteria the proposal is considered of good quality design and as such the density is considered appropriate for the town centre location. The density provides additional housing in a sustainable location and the development is consistent with the dense urban grain. Further, the proposed density ensures a high density in accord with the districts aims of protecting the high value countryside.
- 312 It should be noted that in more recent developments, such as the Berkeley development (14/02075/FUL - allowed at appeal) along London Road achieved an appropriate density of 182dph for 60 units. This demonstrates that density levels can appropriately be higher and achieve well designed buildings that make efficient use of land.
- 313 Summary:
- 314 The proposed development is considered to draw inspiration from existing architecture in the town and surrounding area. It is also considered to add active and engaging frontages which will set a new character along Suffolk Way and reflect and respond to the character of the High Street. The proposal generates an enhanced public realm and greater movement between the High Street and the service found along Suffolk Way.
- 315 The proposal is considered to comply with policy LO3 of the Core Strategy and EN1 of the ADMP.

### Amenity

- 316 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

### Existing

- 317 Daylight/sunlight:
- 318 The applicant submitted a Daylight & Sunlight amenity study as part of the submission. The assessment considered the following buildings as part of the assessment:
- 138A & 138B High Street
  - 138 & 148 High Street
  - 1 Suffolk Way
  - 12 (a) Knole Way - Although titled 12 Knole Way the accompanying drawings indicate this actually 12A Knole Way
  - Sevenoaks Library
  - 38 Buckhurst Avenue
  - 40 Buckhurst Avenue
  - 42 & 44 Buckhurst Avenue
  - 55 Buckhurst Avenue
  - The Café Grill

- 120, 125, 126, 127, 128, 129, 130, 132, 131, 133, 134, 135 and 137 High Street
- 319 The assessment was conducted in accord with the BRE 'Building Research Establishment's Report 209 - "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice". Policy EN2 of the ADMP seeks to ensure that an unacceptable loss of light does not occur to the occupiers of nearby properties. The policy does not make specific reference to BRE guidance although reference is made within the Sevenoaks Residential Extensions SPD. BRE guidance is utilised as a standard for such assessment.
- 320 As a general rule a distance in excess of 21m is considered sufficient to prevent significant loss of amenity. The assessment identified 22 residential properties within reasonable proximity to warrant inclusion within the study. The list above is considered an acceptable selection given the distance to other built form in the locality.
- 321 As part of the assessment four areas were explored including Vertical Sky Component, Annual Probable Sunlight Hours, Daylight Distribution and Overshadowing to Gardens and Open Space. In order to pass these test 80% retention has to be retained i.e. the levels cannot fall below 0.8. However, flexibility in how the tests are considered is allowed in the assessment.
- 322 In regard to the Vertical Sky Component (VSC) assessment indicates that of the 398 tested windows 393 passed. The 5 windows that fail relate to 134 High Street (the eastern and northern elevation). Three of these are first and second floor have levels of 0.74, 0.76 and 0.78. The failure rate is marginal and not overtly significant losses against a test of 0.8. The existing building already limits the capability of the windows in this location.
- 323 The other two windows relate to the second floor windows, W2 and W3 at second floor. These losses are more significant in this location falling below 0.7. The windows serve the same room. One of the windows faces east and the other north towards proposed Block A. It is difficult to ascertain if these windows serve habitable space. However, views to the east would still remain and the northern window already had a limited degree.
- 324 Given the dense context of the High Street and Town Centre location and the proposal levels of housing provision is deemed acceptable against planning policy.
- 325 Of the 303 rooms tested for Daylight Distribution (DD) only two rooms failed against the 0.8 BRE criteria, the rooms relate to 134 and 132 High Street. In regard to 134 High Street the room is located at second floor, while it is suspected the room is non-habitable this cannot be confirmed. The window would have a 0.51 score against the 0.8 criteria.
- 326 The second room located in 132 High Street at second floor scores 0.77 against the 0.8 target. Again this is a marginal fail. In both instances the impact does not totally remove Daylight Distribution and against the policy criteria, site context and given the proposed scale of the development would be considered acceptable. Indeed, the proposal results in a 99% compliance and the failed VSC and DD is either marginal impact or the room

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is served by two openings. The proposal would not result in total loss to a habitable room.

- 327 Of the windows tested all relevant windows passed the Annual Probable Sunlight Hours. Some windows associated with commercial use do fail, however as they are not residential and in a large degree of cases serve stair wells the impact is not considered harmful.
- 328 Due to the town centre location the degree of amenity space for the existing residential units is limited. The study reveals that the overshadowing to gardens and open space test demonstrated that all of the spaces surpassed the BRE targets. Significant overshadowing would not occur to neighbouring amenity space with levels retained. The space around Suffolk Way would actually see a gain in sunlight access due to the massing reduction.
- 329 It is important to reflect on paragraph 123 (c) of the National Planning Policy Framework:
- ‘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)’.
- 330 The proposal would make efficient use of land in the primary centre for development in the District. The proposal has been considered to have an acceptable impact to daylight/sunlight which retains a good degree of amenity for a town centre location.
- 331 Privacy:
- 332 As a general rule as distance of 21m is considered an acceptable distance to prevent a significant loss of amenity. In a town centre location, the distance would naturally be more confined due to the denser urban grain experienced in such locations. 12a Knole Way and other properties along Knole Way and the properties to the south east Buckhurst are a sufficient distance to prevent a significant loss of amenity.
- 333 To the west of the site, the other side of the High Street a pattern of window to window relationships already exists. A significant loss of privacy would not be experienced as it would mirror existing relationships. To the east the windows would directly face across the car park for the leisure centre and library. In direct views towards Buckhurst would occur but the separation is sufficient that this impact would not be significant.
- 334 1 Suffolk Way 138a - 150 High Street and 1 - 4 McCulloch Mews are located to the north of the site. The development would contain openings from 4 - 6 stories. 1 Suffolk Way is a non-residential building and so no significant loss of privacy would occur. The rear elevations of 138 - 150 High Street and 1 -



4 McCulloch Mews have a direct window to window relationship. The spaces to the north are already subject to overlooking.

- 335 The proposal due to its front facing elevation towards side elevations of the residential buildings to the north would not result in direct window to window relationship. McCullouch Mews does have side windows facing towards the site. However, other built form sits between the buildings, which mitigates the impact to a degree. The area is already subject to wider overlooking. The proposal would not result in such a significant loss of privacy as to warrant a refusal of permission.
- 336 To the south of the site 134 - 120 High Street extend these buildings contain a mixture of commercial and residential. The development contains openings facing into the centre service yard. Oblique views of the rear of 130 to 134 to would occur at a fairly close proximity. The views would not have a direct window to window relationship, other than the third floor northern window to the rear of 134 High Street. The third floor southern bedroom windows would be obscure glazed up to 1.7m from finished floor level. The direct views would occur from the rear of Block B along Suffolk Way. The separation would exceed 21m and the views would fairly typical for a town centre location.
- 337 Overall, the proposals degree of retain privacy would be considered acceptable for the principle town centre location.
- 338 Outlook:
- 339 Planning permission cannot take into account views, as there is no legal right to view. Views of a development are not tantamount to amenity issues. However, policy EN2 does seek to ensure the development does not result in significant visual intrusion or loss of outlook to neighbouring residential properties. Views of the proposed development would be visible from both Buckhurst and Knole Way. Level differences are certainly apparent between Knole Way and the site, with Knole Way located lower than the ground levels along Suffolk Way.
- 340 The separation distance ranges from 45m to 12a Knole Way to 83m to 27 Knole Way. The distance, land level changes and road intersection would mean while the development would be visible it would not significantly impede outlook. Visual intrusion would not occur.
- 341 The development would also be visible from Buckhurst Avenue, again the distance and oblique relationship between the residential units and the proposal would not result in significant visual intrusion.
- 342 Along the High Street windows facing to the east already observe the built form of 136 High Street, which is three storeys high. The relationship of building to building is already present. The proposal would be four storeys in height in this location. The fourth storey would be set in from the principal elevation and the building set back from the roadside in comparison with the existing siting of the building. The separation of the road and overall height would prevent significant visual intrusion.

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- 343 134 - 120 High Street would face towards the rear of blocks B and C. 134 - 130 High Street already face the bulk and massing of the 136 building. The proposal would remove a degree of the bulk and massing from close proximity to these buildings. The proposed building would have an increased height and represents a wider coverage of the depth of the overall site. However, outlook to the oblique angle of the windows would be retained to these rear elevations. One side window to the northern side elevation of 134 High Street would be obscured by block A. However, this window is already partially obscured and is a secondary window.
- 344 Overall, the proposal is not considered to result in significant visual intrusion to neighbouring amenity.

### Proposed amenity for future residents

- 345 Daylight/sunlight:
- 346 Again paragraph 123(c) of the NPPF must be considered when considering the proposed light values for the development. The daylight/sunlight assessment for the proposed amenity values has identified 277 habitable rooms.
- 347 The analysis indicated that 220 of the 277 rooms meet or surpassed the Average Daylight Factor Targets. Of the 57 that did not meet the criteria 12 only failed by a small margin. An overall compliance rate of 79% was revealed by the analysis.
- 348 104 living rooms tested 56 had windows which met or surpassed the Annual Sunlight Hours Target, with a compliance rate of 54%. The proposal would provide either expected or above daylight and sunlight to habitable spaces across the development. While some rooms would receive more limited light allowance the openings would provide daylight into the proposed units mainly down the orientation of the properties.
- 349 Privacy:
- 350 The direct views of the site from external neighbouring properties in close proximity would be mainly from 132 and 134 High Street. The views would retain sufficient distance for direct window to window observation to prevent significant privacy issues. Units on the fourth floor facing to the High Street would have balcony access. A screen would be located between the flats to prevent loss of privacy.
- 351 To balconies that adjoin one another privacy screens would be installed. To the rear of block B to section of the building fronting Suffolk Way balconies would be set on the first to the fourth floor. An intersecting screen would prevent mutual overlooking. Fins would also be provided to prevent window to window overlooking between the angled element of the building. To the fifth floor the balcony may require a fin to prevent mutual overlooking.
- 352 Overall, the level of overlooking would be acceptable and expected for the density of an urban grain of a town centre.

353 Outlook:

354 A few of the flats would benefit from dual outlook. The majority would be subject to a number of single outlook points. The openings would in some places face some restricted outlook points in block A facing north. However, the openings would allow views out of the proposed flats.

355 The proposed rear corner unit for block A would have dual outlook which would alleviate the pressure of the blocks directly reflected from west to east. Some views would be towards the service yard. However, the yard would create an open space with limited massing to provide outlook and natural light.

356 Third party comments have identified that some spaces do not have windows. A number of the flats are shared space i.e. kitchen dinner and so do have openings. Kitchens are also not considered habitable spaces.

357 Again the local authority has no specific minimum standards relating to outlook for proposed dwellings. The NPPF acknowledge that a flexible approach must be taken when efficient use of land is required in conjunction with housing provision. A good standard of outlook is achieved on the site balanced with the requirement for efficient use of land, quality of design and public space.

358 Amenity Space:

359 A number of the proposed flats would have balconies to act as added amenity space. Further, an open space would be located to the rear of block A. The space would provide a 'pocket' park style of amenity space and would be subject to soft planting and open seating. Further, the site is within close proximity to open spaces such as Knole Park and the Vine. The outdoor amenity space is considered of a good standard for a site located in the town centre.

360 Noise:

361 The application site is located in the town centre and adjacent to two roads namely the High Street and Suffolk Way. The proposal would result in noise during construction phases. However, planning consideration can only consider a development once in situ. Conditions for construction management to control operating hours could be applied to any grant of consent.

362 The Environmental Health Officer has concerns with regard to the submitted Noise Assessment and the duration of the assessment. The applicants noise assessor responded to the objections raised in regard to the noise concerns. The Environmental Health Officer has acknowledged the response a feels the concerns can be dealt with via condition. The condition would require adequate assessment followed by mitigation measures to prevent significant impact to the proposed and existing amenity spaces.

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363 Summary:

364 Overall, the proposed development would retain good amenity for existing residents given the context of the site and flexibility of policy in regard to these matters. The proposal would provide amenity spaces and level accommodation that would be acceptable. Conditions would be applied to any grant of consent with regard to noise and privacy issues.

365 The proposal would comply with policy EN2 of the ADMP.

### **Parking and Highways Impact**

366 Policy T1 of the Allocations and Development Management Plan states that new development will be required to mitigate any adverse impacts that could result from the proposal.

367 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with KCC vehicle parking standards. However, the policy does allow the Council to depart from established minima or maxima standards in taking account of specific local circumstances.

368 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.

369 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 severe’.

370 Traffic Assessment:

371 Sevenoaks High Street is a classified road (A225) which has links to the M25 (junction 5), M26 and the A21. These represent part of a Strategic Road Network (SNR). Highways England have stated that they are content that the proposal would not have a negative impact on the SNR. The distance and scale of the proposal from these SNRs would mean the proposal would not have a serve impact on the highway network.

372 The site has previously accommodated both a retail function at ground floor and office accommodation in the upper levels. The proposal is assessed against the traffic generation of the proposed versus the existing. Due to the current pandemic it has been recognised that current traffic generation would not be an accurate measure for trip generation.

373 Central Government has not altered planning legislation as a result of the current pandemic and as such local authorities are still duty bound to process planning applications. As a result, surveys gathered from application 17/02149/FUL for the Buckhurst 2 planning consent have been utilised in the assessment.

- 374 The Transport Assessment for the proposed mix use scheme was submitted alongside the application by Connect Consultants. The TRICS data was considered for the existing ground floor retail use. The study area for the assessment includes the following junctions:
- A225 Dartford Road/Holly Bush Lane
  - Pembroke Road Signal Junction
  - A224 London Road/Pembroke Road/Argyle Road Signal Junction
  - Suffolk Way/Buckhurst Way Junction
  - Suffolk Way/Proposed Site Access
  - A225 High Street/A224 London Road/Rockdale Road Signal Junction
- 375 The Transport Assessment has surmised that 50% of the trips relating to the previous ground floor retail function were related were secondary trips on the network. The trips would have been in the form of pass by or linked trips. The site currently has minimal parking associated with the retail use. As the site is located in the town centre the assessment considers that customers would have utilised Bligh's Meadow Car Park and Buckhurst Car Park.
- 376 As part of the assessment, for the proposal, a food retail store was the presumed occupier this is however an assumption. Trips for a 746sqm floor space is considered to have 34 two way trips at peak in the AM and 69 two way trips in the PM peak. The retail units would be broken into three units, again the assessment considers that the car parks would be utilised in connection with the proposed retail and that 50% of trips would be secondary.
- 377 The assessment considers an overall reduction in trips from the existing retail in comparison with the proposed retail (-135 AM trips and -280 PM trips).
- 378 TRICS were also interrogated to understand the degree of trips that would be associated with the residential use for the proposed 104 residential properties. The suggested trip rate would be 26 two way trips in the AM peak and 31 two way trips in the PM peak. The net traffic impact of the proposal (minus the existing) at the junctions within the study area indicates a reduction at each of the junction spaces.
- 379 The Highway Officer notes that the assessments indicate a net reduction at junction capacity from the existing versus the proposed. Due to recent upgrade works to Pembroke Road junction a capacity assessment was conducted. The capacity scenarios see a reduction in overall traffic movements and improved capacity in the 2025 base + proposed development scenarios versus the existing.
- 380 Pedestrian links:
- 381 The proposal would retain and enhance the pedestrian link from the High Street and Suffolk Way. The Highways Officer considers that this would improve connectivity. The Highways Officer and Urban Design Officer have

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considered that it would be desirable to have a pedestrian crossing link between Bligh's Car Park and the High Street crossing to Suffolk Way.

- 382 A potential pedestrian crossing has been discussed at pre-application stage but has not been forwarded as part of the application scheme. The Highways Officer has not stated that an additional crossing is necessary to make the development acceptable. Further, no evidence that a pedestrian crossing would have a negligible impact on the highway network. Therefore, whilst desirable for a crossing to be provided, it could not be justified as a Section 106 obligation, as the proposed development is acceptable without the provision of the crossing.
- 383 Vehicle parking:
- 384 The application site is located within the allocated town centre of Sevenoaks. The KCC Highways Officer notes that the Kent Design Interim Guidance Note 3 (IGN3) outlines a maximum standard of 1 space per unit for flat developments in this location. The Officer notes that visitor spaces should be accommodated in public car parks as the site is located in the town centre.
- 385 The site is located in a town centre and as such is located near to local amenity provisions, shops and services. The site is also located in close proximity to the local bus station and stops. The proposal would also be within walking distance of the main line train station to the west of the site. The town centre location and proximity of local car parks means the site is sustainably located and flexibility in regard to parking provision is acceptable in this location.
- 386 The proposal seeks to provide 52 car parking spaces for the proposed residential accommodation (which includes 3 disabled spaces and a single space for the car club). The development would provide 104 residential units. It is acknowledged that the car parking provision does not provide the maximum provision, but provides a level of parking to reflect its sustainable location. KCC Highway Officer raises no objection to this element of the proposal.
- 387 To mitigate for the degree of parking a car club has been proposed which the Highway Officer considers acceptable and should be secured via the Section 106 Agreement. To prevent conflict, the Highways Officer has suggested that the undercroft parking be one way. This would be secured via condition. Further, the car parking spaces would need to be allocated as part of a management condition.
- 388 The Highways Officer has noted that two parking spaces require widening, to the north east corner abutting a wall and to the entrance of the car park area. The spaces are capable to being widening and these changes can be secured by condition.
- 389 Cycle parking:
- 390 The KCC Highways Officer has noted that 4 cycle spaces would be the requirement for the proposed retail function. Originally the proposal offered

5 Sheffield cycle stands, which would allow for the parking of 10 bicycles. An amendment was put forward during the application which increase the number of Sheffield stands from 5 to 7, which would allow for 14 cycle spaces available to the public. The degree of public cycle spaces would exceed the requirements of SPG4.

391 SPG4 requires a minimum of 1 cycle space per unit for flats. The proposal would provide 112 cycle spaces which would exceed the minimum requirements of the policy. The proposed development would secure sufficient cycle provision. A condition would be attached to any consent to ensure the cycle parking provision. Further, as the cycle parking would be contained at ground floor in block B, a condition would secure access to this for blocks A and C.

392 Therefore, whilst the car parking provision is design for sustainable location, the scheme will exceed its cycle provision and provide alternative modes of movement.

393 Service yard:

394 The proposal would see the existing service yard partially developed. The service yard would be re-organised for the new commercial/residential use. The vehicular access to the service yard would be located along Suffolk Way. Swept path drawings were provided as part of the application. The analysis indicates that a ridged 11.2m refuse vehicle and 10.5m rigid delivery vehicle could enter, exit and turn within the site in a forward gear.

395 The Highways Officer is satisfied with the details provided.

396 Construction phase:

397 The Highways Officer has recommended that the proposal is conditioned to provide a Construction Management Plan to limit the impact on the highway during the construction process. Planning cannot prevent development on construction grounds, planning is only able to consider development once in situ. A condition would be applied to any grant of consent.

398 Waste and refuse collection:

399 The proposal is formed of three blocks all of which have an allocated bin store. Blocks A and B bin stores would open onto the service yard accessed from Suffolk Way. Block C bin store would open onto Suffolk Way.

400 Direct Services have commented on the proposal. The service has concerns with the decorative concrete within the service yard which may be subject to wear as a result of refuse vehicles manoeuvring on site. The proposed hardstanding would be subject to condition and reference to appropriate wear would be included to ensure appropriate hard surfacing.

401 The services team also wish to understand how the developer will keep commercial waste separate from domestic waste to ensure legislative regulations. A condition would be applied for the provision of details of the proposed waste separation on site.

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- 402 The service team have some concern with regard to congestion in the service yard in ensuring space for refuse vehicles to enter for collection. The Highway Officer has requested a parking management plan for the site, the condition would also require details of a service yard management plan to ensure space for refuse vehicles.
- 403 Summary:
- 404 Paragraph 109 of the NPPF is clear that development should not be prevented on highway grounds unless the impact is severe. The proposal would not result in a severe impact and would have an acceptable overall impact on the junctions and highway network.
- 405 The KCC Highways Officer has raised no objection to the proposal subject to condition. The proposal is considered compliant with highways and parking including policies EN1, T1, T2 and T3 of the ADMP, subject to condition.

### Trees and Landscaping

- 406 Currently the site is subject to limited landscaping. The Tree Officer has commented on the application noting that soft landscaping is absent from the existing site. The illustrative landscape master plan now demonstrates such provision, which the tree officer considers to be beneficial to the area.
- 407 Some trees and landscape appear sporadically on and around the site. The trees are not of significant quality that adds considerably to the visual amenity of the area. The trees are located to the southern portion of the site visible from Suffolk Way and the bus station and one to the centre service yard. Three trees to the south of the site would be removed to accommodate the proposal. It is not clear if the tree to the centre of the site would be retained as it does not appear on the landscape master plan. The Tree Officer has not offered any objection to the loss of the trees.
- 408 The proposal would open up public realm to the front of the building adjacent to the High Street. Four additional trees would be planted along the High Street. The section of the High Street has limited planting and the addition of trees in this location would add greenery and character to the High Street.
- 409 A further six trees would be located along the improved access route. To the southern portion of the site along Suffolk Way would also see two further trees planted. The trees would represent a net gain across the site and again would add character to the area.
- 410 Soft landscaping also forms part of the proposed landscaping. Given the existing degree of hardstanding the landscaping treatments proposed would improve the appearance of the site and public experience of the area.
- 411 'Pocket' green space would be located to the rear of Block A to provide additional amenity space. This would also allow for additional soft landscaping. Although not in direct public view, the space would add to the quality and verdant character of the proposal.



- 412 Specific details of the trees and landscaping in regard to species would be required via condition. Native species would be stipulated as part of any condition to tie into ecological gains. The planted trees would also be expected to have reached a degree of maturity to ensure the quality of the development.
- 413 The proposed landscaping is considered an enhancement to the character of the area and comply with policy EN1 of the ADMP.

### **Biodiversity**

- 414 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.
- 415 A Preliminary Ecological Appraisal (PEA) was submitted as part of the application pack, conducted by JCA Limited. The site is not considered to have a high quality environment for protected species or habitats. This is due to the degree of hardstanding and the extent of the building.
- 416 Pigeons were found to be present within the building. Breeding birds are protected by the Wildlife and Countryside Act 1981. The PEA recommends that a walkover should be conducted prior to demolition as Pigeon's breed throughout the year. The walkover would be to ensure no nesting birds are located within the building prior to demolition.
- 417 An informative has been recommended by KCC Ecology to advise the applicant of the legalisation surrounding breeding birds. An informative as a posed to a condition is considered acceptable as the applicant would be required to ensure no breeding birds are present upon commencement of demolition in accord with the legislation.
- 418 Paragraph 175 of the National Planning Policy Framework encourages enhancements to biodiversity. To ensure that a net gain occurs on site a condition for ecological enhancements, as advised by KCC Ecology, would be applied to any grant of consent.
- 419 The PEA also recommended that any trees removed should be replaced on site. A number of trees have been included on the landscape master plan. A condition would be applied relating to landscaping. Further, it has been recommended that hedgehog holes are provided on any proposed fencing. The proposal, given the town centre location, does not propose significant portions of fencing, as such it is not considered reasonable against the National Planning Policy Guidance (NPPG) to apply a condition in this regard.
- 420 A lighting strategy was also put forward as part of the PEA due to potential bat activity. The PEA identified no bat roosts on site, however bat activity had been observed within 2km of the site. KCC Ecology has not suggested a lighting condition. The existing building is also subject to flood lighting and the proposal would result in an increased degree of human activity on site. It is not therefore considered reasonable to apply such a condition when assessed against the NPPG.

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- 421 The site is not located in close proximity to adjacent to any significant wildlife sites. Natural England has no objection to the proposal and Kent Wildlife Trust have proffered no response to the consultation request.
- 422 The proposal is considered to have an acceptable ecological impact subject to conditions and informative as suggested above. The proposal is considered to comply with policy SP11 of the Core Strategy and paragraph 175 of the NPPF.

### Sustainability

- 423 Policy SP2 of the Core Strategy states that the District will contribute to reducing the causes and effects of climate change. The policy stipulates requirements relating to a minimum Code for Sustainable Homes for residential development. Further, the policy requires commercial units to meet “Very Good” by 2013.
- 424 The applicant submitted an Energy and Sustainability Assessment. As highlighted by the report as part of the Deregulations Act 2015 which came into force in 2015, the Government removed requirements for Code for Sustainable Homes to be managed within planning applications. As such the focus will be on the proposals commercial elements, in this matter.
- 425 Since the adoption of the 2011 Core Strategy, BREEAM New Construction disparities and available credits and section weighting have undergone alterations, most recently in 2018. As such the standard of “Very Good” is acceptable. The assessment has identified that the commercial element of the development a BREEAM rating of 56.82% which equates to “Very Good”. This would be secure via condition.
- 426 Policy SP2 also requires the applicant to submit evidence that at least a 10% reduction in total carbon emissions through the installation of renewable or low carbon energy sources.
- 427 The assessment submitted indicates that the development will utilise Photovoltaic (PV) panels to generate renewable energy. The assessment indicates that the PV panels would achieve a renewable carbon reduction of:
- 11.7% - Block A
  - 10.1% - Block B
  - 10.6% - Block C
- 428 For the commercial element the PV panels would result in a loss of 10.1% carbon reduction. To secure such reductions a condition would be imposed on any grant of application to outline the siting and degree of PV panels to ensure the 10% quota is met.
- 429 Transport:
- 430 Policy SP2 of the Core Strategy states that the council will support and promote measures to reduce reliance on travel by car. The proposal would

seek to provide additional cycle parking, which would be publically available. Further, the proposal has included a travel plan and is considered to have met the terms of policy SP2 in this regard.

- 431 Air quality:
- 432 Policy SP2 states that the design and location of new development will take account of the need to improve air quality. Part of the site is located within/adjacent to the Air Quality Management Area (High Street and Suffolk Way).
- 433 The applicant submitted an Air Quality Assessment as part of the application pack. The assessment recognises that the construction works would have the potential to create dust emission. Mitigation measures would be required to mitigate this impact which could be secured via condition.
- 434 Post occupation the site is considered to have acceptable air quality standards. The assessment identified that pollutant concentrations would be below the objectives at all existing receptors along the local road network. The assessment concluded that the overall operational air quality effects of the proposed development are judged to be 'not significant'.
- 435 The Environmental Health/Air Quality Officer considers that to some degree the proposal would have an impact on air quality. The Officer considers that additional electrical vehicle charging points should be provided on site to compensate for the additional impact. Additional charging units would be secured via condition.

#### **Land Contamination**

- 436 The application submitted a land contamination desk top survey. The desktop survey findings revealed that there is a low risk of significant contamination issues on site. The research indicated the possibility that a filling station was located on site. The report recommended that a ground investigation should be carried out to determine any contaminated soils on site.
- 437 The Environmental Health Officer is satisfied with the findings of the contaminated land assessment. The Officer recommends a condition for intrusive investigation, remediation and final verification report. These would be attached to any grant of consent.

#### **Drainage and Flooding**

- 438 The application site is not located in flood zone 2 and 3.
- 439 As part of the proposal the applicant has submitted a Surface Water Drainage Strategy by Elliot Wood. The proposal aims to manage the Surface Water Drainage firstly through the introduction of a geocellular storage which would be coupled with flow controls to attenuate and gradually release water into the sewer. The geocellular storage would be located below ground to the north of the site along the public access route.

## Agenda Item 4.1

- 440 The proposal would include a blue/green roof. Blue roofs provide storage capacity in urban areas to slow the rate of water discharged into the sewer. Details of the blue roof would need to be provide via condition, in accord with the comments from the KCC Local Flood Officer.
- 441 To complement the proposed drainage systems permeable paving would be included along the public access to the north of the site and the pedestrian route to the service yard to the south of the site. Soft landscaping has also been proposed across the site to aid in reducing surface water run-off.
- 442 Thames Water have identified that the site lies within 15m of a strategic sewer. Due to the proximity of the development to the sewer line Thames Water have recommended that a condition for a pilling method statement is applied to any consent to ensure any impact to the sewer line is minimal.
- 443 An informative has also been suggested I regard to ground water risk management to ensure the developer minimises the degree of ground water discharges into the public sewer. Thames Water also included details relating to building control issues. The site falls within a Source Protection Zone for groundwater abstraction. Again an informative will be attached relating to groundwater protection measures.

### Affordable Housing

- 444 Policy SP3 of the Core Strategy states that the Council expects the provision of affordable housing in all types of residential development. The policy considers that in all residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable.
- 445 The proposal submitted seeks to provide 12 affordable units (6 for social rent and 6 for shared ownership). The proposal would not comply with policy SP3 of the Core Strategy. However, paragraph 57 of the National Planning Policy Framework allows for viability assessments to be submitted with applications for a lesser provision. A viability assessment has been submitted and is under assessment.
- 446 Paragraph 63 of the NPPF states that:
- Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount<sup>28</sup>.
- 447 The proposed tenure split 50/50 is not supported by the Housing Officer. However, the Officer does accept that a tenure of 12 units for social rent could be acceptable as it would relate to the housing needs of the district. Therefore, a taking account of the vacant building credit, a policy compliant provision would therefore be 23 affordable units.
- 448 Affordable Housing SPD 2019 identifies that the mixture of tenure 65% social/affordable rent and 35% intermediated housing. However, the SPD

recognises that in certain circumstances (such as flatted developments or high local high prices), a policy compliant mix may not be appropriate.

- 449 The SDC Housing Officer has accepted that the location of affordable housing in a single unit, block C Bowline House, for a flatted development. The mix of housing across the site is acceptable. The block will have lift access which would open up the development for many members of the community. A mix of on-site and off-site contribution could be acceptable in accord with the housing policy officer.
- 450 Viability assessment has been submitted and assessed, which we are currently reviewing. The outcome of the continuing discussions on the viability of the affordable housing provision will be reported in the late observations.

**Tilted Balance:**

- 451 Paragraph 11 of the National Planning Policy Framework States that:

Plans and decisions should apply a presumption in favour of sustainable development. ... For decision-taking this means:

c) approving development proposal that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 452 Footnote 7 of paragraph 11 d) states:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- 453 The presumption in favour of development applies in this instance as Sevenoaks District Council can only demonstrate a 2.6-year supply (inclusive of the buffer), which falls below the required 5-year supply. Further, Sevenoaks District Council Housing Delivery Test is below the 75% threshold.

- 454 The proposed development is considered to comply with the local development framework and the national planning framework. The development is not considered to result in significant harm and would

## Agenda Item 4.1

provide tangible enhancements to the town centre and provide deliverable housing required in the District. The presumption in favour of development applies.

### Other issues

#### 455 Fire and Rescue:

Kent Fire and Rescue were consulted on the proposal, the Fire and Rescue Officer considered that the requirements of the Fire and Rescue service have been met for the proposal.

#### 456 White Paper:

The government has gone out to consultation on a White Paper that seeks to make changes to Planning. The White Paper is not adopted policy and the development cannot be tested against this document.

#### 457 Rent and tenure of shops:

The local planning authority cannot control rental prices of commercial units.

#### 458 Internal temperatures:

Third party comments have illustrated that within the energy and sustainability assessment some of the proposed flats fail summer time temperatures. The internal temperatures of buildings are not strictly a planning policy consideration as ventilation is controlled by other regulations. A condition could be attached relating to ventilation or air conditioning but it is not a guarantee that it would comply with the NPPGs test of reasonableness for the application of conditions.

### Community Infrastructure Levy (CIL)

459 This proposal is CIL liable.

### Conclusion

460 The proposed development is considered acceptable in principle. The proposal would conserve the Conservation Area and preserve the significance of the listed building. The proposal would provide enhancement to the public realm and would make efficient use of land taking reference of architectural features in the area in the design and massing of the building.

461 The proposal would have an acceptable impact on amenity and would have an acceptable highways and parking provision. The proposal would be policy compliant.

462 It is therefore recommended that this application is GRANTED.

**Background papers**

Site and block plan

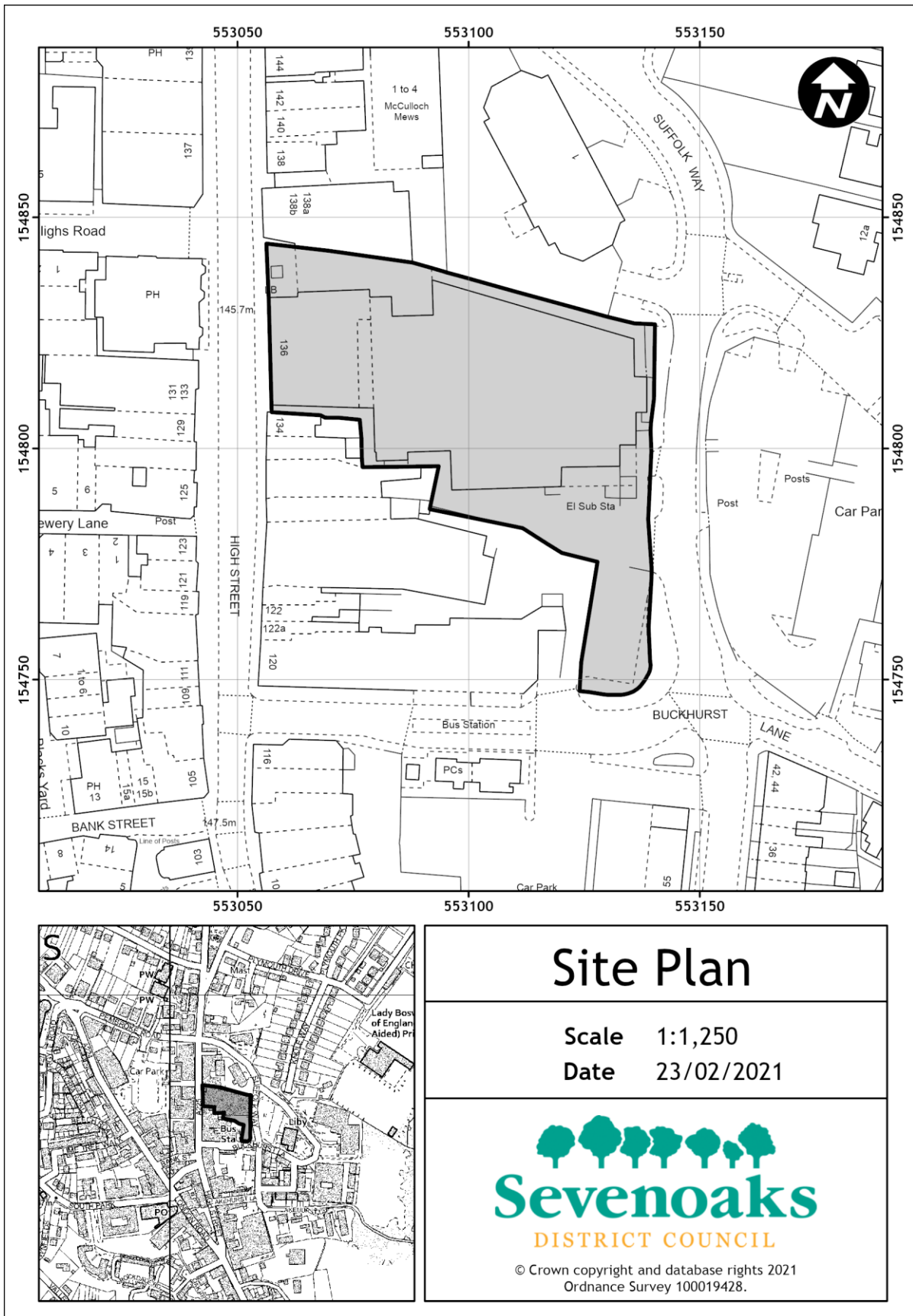
Contact Officer(s): Emma Gore

01732 227000

**Richard Morris**  
**Chief Planning Officer**

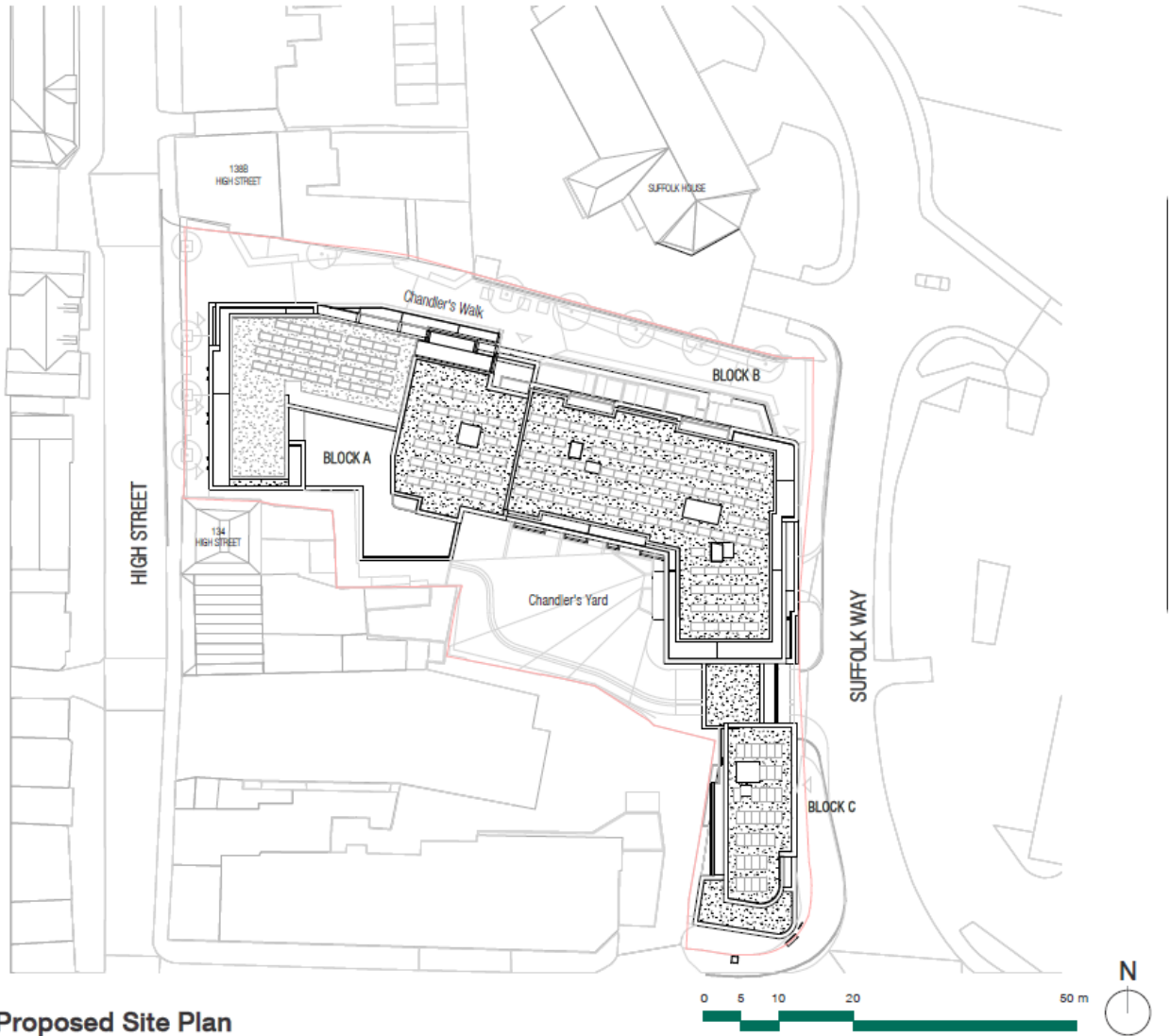
[Link to application details](#)

[Link to associated documents](#)





BLOCK PLAN



Proposed Site Plan

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4.2 20/03289/HOUSE Revised expiry date 12 March 2021

Proposal: Erection of an annexe. Demolition of existing garage.

Location: Riftwood, Oak Avenue, Sevenoaks KENT TN13 1PR

Ward(s): Sevenoaks Kippington

**Item for decision**

Councillor Hunter has referred the application to Development Control Committee on the grounds of residential amenity, over intensification and the effect on both Locally and Nationally Listed buildings, in relation to policies EN1, EN2, EN4 and the Residential Extensions SPD.

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: Site Location Plan, MR/P.01/A, MR/P.02/A, MR/P.03/A, MR/P.04.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan MR/P.03/A.

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

4) The two roof light window(s) in the rear south facing elevation(s) shall be obscure glazed at all times.

To safeguard the amenity of neighbours and future occupants of the annex.

5) The annex shall be used solely as ancillary living accommodation in connection with the existing dwelling unit, Riftwood, and shall not be used as a separate self-contained unit independent of the main dwelling.

To prevent the over-intensification of the site and prevent the annex being used as a separate self-contained unit independent of the main dwelling.

### **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 site comprises a semi-detached property located to the east of Oak Avenue within the urban confines of Sevenoaks. The property is one half of a previously substantial house that was subdivided in the 1950s and both Riftwood & Ashley now comprise a locally listed building, which is a non-designated heritage asset.

#### **Description of proposal**

- 2 The application seeks permission for the demolition of the existing detached garage and the construction of an annex. The annex would have a pitched roof with hipped ends, with a maximum height of 5.6m and an eaves height of 2.8m. It would project 11.7m in width and have a depth of 5.7m. The existing garage measures 5.6m in height with a width of 6.7m and a depth of 6.7m.

#### **Relevant planning history**

- 3 06/01541/FUL Single storey extension to rear and side. GRANT 21/07/2006
- 4 19/02945/HOUSE Demolition of garage. Erection on an annex. WITHDRAWN 16/12/2019

#### **Policies**

- 5 National Planning Policy Framework (NPPF)
- 6 Core Strategy (CS)
  - LO1 Distribution of Development
  - SP1 Design of New Development and Conservation
- 7 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN2 Amenity Protection
  - EN4 Heritage Assets
  - T2 Vehicle Parking

8 Other

- Sevenoaks Residential Extensions SPD

**Constraints**

9 The following constraints apply;

- Locally Listed Building

**Consultations**

10 Sevenoaks Town Council -

“Sevenoaks Town Council recommended refusal unless:

- The planning officer is satisfied that there is no overlooking of the front door and windows of Ashley
- The 2 dormer windows at the front of the bungalow are obscurely glazed up to 1.7m
- There are appropriate plans to protect the vegetation, particularly the mature trees, along Oak Avenue, particularly during construction.”

11 Conservation Officer -

“A substantial house originally built as one and now subdivided into two, Riftwood and Ashley. Riftwood has an unusual bay window with conical roof. It is on the Sevenoaks Local List.

12 There is no objection to the proposal as it is not considered to harm the significance of the locally listed building. The proposed garage and annexe block will be detached and reads as ancillary. It will not obscure the principal elevation from the road nor change the architecture of the building.”

**Representations**

13 Twenty representations have been received objecting to the scheme raising the following concerns:

- Use as an independent dwelling house due to size, scale and detached nature
- Impact on the street scene and visual amenity of Oak Avenue
- Impact on the rural character of the area
- Impact on neighbouring amenity - loss of outlook, privacy, light, overlooking, overbearing impact, overshadowing
- Loss of trees and vegetation on site
- Impact on the locally listed building

## Agenda Item 4.2

- Impact on listed building - Northdown
- Impact on parking and highways safety
- Design of annex
- Overdevelopment of the site
- Concerns regarding council tax

### Chief Planning Officer's appraisal

14 The main planning consideration are:

- Design and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on Designated and Non-Designated Heritage Assets
- Impact on highways safety and parking provision

### Design and impact on the character and appearance of the area

- 15 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.
- 16 The dwellings along Oak Avenue are predominantly large detached properties that vary in design and style, with a staggered build line and varied pattern of development. Riftwood is one of a subdivided property located on the corner plot at the entrance of Oak Avenue.
- 17 The proposed annex would be replacing the built form of the existing garage currently located to the front of the property. The annex would be the same 5.6m height as the existing garage and would project a further 5m in width into the site towards the main dwelling. The annex would be set further back within the site than the existing garage, located up to 4m from the front site boundary. This means the annex would be set further back from the street scene than the garage is as existing. Whilst the annex would be visible from the street scene, it would not be considered to appear intrusive or prominent to the street scene to an increased degree when compared against the siting of the existing garage.
- 18 Additionally, when considering the wider pattern of development along Oak Avenue, there are number other examples of substantial built form sited forward of the principle elevations of dwellings. To the south of the site, the property known as Holmoak benefits from a substantial extension over the existing garage forwards of the principle elevation, approved under application reference 02/01755/FUL. Measuring from the approved plans the extension, as was granted, measured some 5.7m in height and 10.4m in width. Moreover, the property to the west of the site, known as Lorne House, also benefits from substantial built form forwards of the principle elevation of the main property, approved under application reference 13/00364/FUL. From measuring off the approved plans, this built form measures some 7.5m in height and 12m in projection from the front elevation of the property.

- 19 Considering the existing grain of built form and precedent set by other developments similar in height, width and scale, the proposed annex would not be considered as harmful to the wider character and appearance of Oak Avenue. Other dwellings within the immediate vicinity of the site benefit from substantial built form forwards of the principle elevations and the proposed annex would not be considered as prominent or intrusive to the street scene when considering the positioning of the existing garage.
- 20 The annex has been designed to reflect the existing garage with the hipped roof design and the materials to match the existing. The annex would be positioned further within the site and would be set back from the public realm. Whilst it would be visible it would not be considered to appear intrusive or prominent when considering the current garage and the wider pattern of development along Oak Avenue.
- 21 Whilst the annex would be detached from the main dwelling, it would share the access, parking and garden space with the host property, therefore demonstrating a degree of reliance on the main dwelling. The annex, whilst substantial, would appear ancillary in design when considering the proportions and scale of the main property. The proposed annex would be within the existing curtilage of the dwelling and would not be considered to form an independent planning unit. Therefore, the proposal would be considered ancillary to the host property, demonstrating a degree of reliance, and is not considered a self-contained or independent dwelling house, separate from the existing property. The annex will be conditioned to remain ancillary to the property and not to be cordoned off as an independent or self-contained planning unit. The fact the annex is detached does not form a reason for refusal and is not considered to alter the ancillary function and design of the proposal. The applicant was previously advised by Officers to make the annex detached to preserve the Locally Listed Building, considered later in the report.
- 22 Overall, the proposal is not considered as harmful to the character and appearance of the area and is considered to accord with policies SP1 of the Core Strategy and EN1 of the ADMP.

#### **Impact on neighbouring amenity**

- 23 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 24 The proposed annex would be sited some 2m from the shared boundary with the neighbouring property known as Holmoak to the south of the site and some 13m from the shared boundary with the other neighbouring property known as Ashley to the north.
- 25 Due to the positioning, separation distances and the orientation of the proposed annex it would not be considered to pose a harmful loss of light or overshadowing to the neighbouring properties Holmoak and Ashley.
- 26 The rear roof lights on the annex would serve non-habitable spaces and are shown on the plans to be obscurely glazed which can be secured through condition. The front facing dormers are shown to be clearly glazed and as

## Agenda Item 4.2

they would only overlook the front driveway and garden of Riftwood and Ashley, this would not be considered as harmful to neighbouring amenity. The Council does not have policies which seek to protect the front of properties from overlooking.

- 27 With regards to the issue of overlooking, the annex would be sited some 13m from the neighbouring boundary shared with Ashley. Whilst the dormer windows would face this neighbour's front garden, as stated above, we do not have policies which seek to protect the front of properties from overlooking. The Residential Extensions SPD defines private amenity space in section 5.2 as the first 5m of the rear garden. The front door and front garden are not given substantial weight when considering the issue of overlooking, as often with the design of streets the frontage of properties are naturally overlooked by surrounding dwellings and users of the highway. The frontage of a property including the front door and front garden would not be considered to be habitable or private amenity spaces that can be protected from overlooking. As such, the annex would not be considered to pose a degree of overlooking that would be considered harmful enough to warrant a reason for refusal. The annex would be 13m from this neighbouring boundary, would be no higher than the existing garage and would only offer oblique views of the front garden of the neighbouring property.
- 28 As such, the proposal is considered to be adequately separated from neighbouring properties and would not be considered as harmful to a degree that would warrant a reason for refusal, in accordance with policy EN2 of the ADMP.

### Impact on Designated and Non-Designated Heritage Assets

- 29 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.
- 30 The application site comprises a locally listed building and is therefore considered as a non-designated heritage asset. There is also a Grade II Listed Building located some 45m opposite the site known as Northdown, a designated heritage asset.
- 31 The Conservation Officer has raised no objections to the proposals, stating that the annex would not be considered to harm the significance of the locally listed building. The proposed annex would be replacing the existing built form of the garage and would remain detached from the property, reading as ancillary in size, scale and design to the host dwelling. The detached nature of the annex means the Locally Listed Building is preserved in terms of fabric, architecture, setting and significance, and is seen as a benefit in Conservation terms. The annex would not be considered to obscure the principal elevation of Riftwood from the road or alter the architecture of the building.
- 32 Moreover, regarding the nearby Listed Building, Northdown, the annex would be sited some 32m from this heritage asset and therefore would not be considered to restrict views of the Listed Building. Due to the significant



separation distance, the annex would not be considered to harm the setting, character or significance of this Listed Building.

- 33 Overall, the proposal would not be considered to substantially harm the setting, significance or appearance of the locally listed building and the character and appearance of the non-designated heritage asset would be preserved, in accordance with policy EN4 of the ADMP.

#### **Impact on highways safety and parking provision**

- 34 Annex 2 of the Core Strategy provides guidance on parking provisions for new development. It states that for larger dwellings (4+ bedrooms) in a suburban location a provision of x2 parking spaces should be provided.
- 35 Riftwood benefits from a large forecourt and driveway area and therefore is considered to meet the recommended provision as outlined in Annex 2. The existing access and onsite parking provision would be retained despite the loss of the garage and the site is considered to be capable of providing a sufficient level of parking, even considering the positioning and scale of the proposed annex.
- 36 The annex would be set 4m back from the front site boundary and would be the same height as the current garage, therefore it would not be considered to impede the visibility of the highway or impact upon highway safety.
- 37 The annex would share the existing access and onsite parking and, due to the spacious nature of the forecourt, the proposal is considered acceptable with regards to highways safety and parking provision.

#### **Other Issues:**

- 38 Landscaping
- 39 With regards to the Town Council comment and the public comments received on the existing vegetation and landscaping, the trees and vegetation on the site are not subject to a Tree Preservation Order or a blanket protection due to a Conservation Area designation. Therefore, any works to the trees on site would be outside of the Council's control. Moreover, the trees along Oak Avenue are outside of the red outline so do not form part of the considerations of the application. It would be unreasonable to condition something that falls beyond the site boundary and outside the red outline. The plans show areas to be landscaped around the proposed annex and this is considered to be sufficient.
- 40 Public comments
- 41 Twenty neighbouring objections have been received on the amended scheme. Whilst these comments and objections have been thoroughly read and considered, the scheme is considered to comply with planning policy and the annex would not be considered as harmful to the character and appearance of the area, neighbouring amenity, highways and parking, nor the designated and non-designated heritage assets.

## Agenda Item 4.2

- 42 Many of the public comments received raise concerns that the proposal is for a new dwelling. The Council has to consider an application as it is submitted. In this case the application is for a proposed annex and has to be considered as such.
- 43 Whilst the annex would be detached from the main house, there is no planning policy that states that an annexe must be physically attached to a dwelling. The annex would be within the curtilage of the main dwelling and would share the garden space, parking and access with the main house, demonstrating a degree of reliance on the host property and would appear ancillary in design and proportions. Overall, the proposal would not be considered to be an independent dwelling and would demonstrate an adequate degree of reliance on the main property. The proposal will be tied to the main dwelling through a planning condition to prevent an independent use separate from the main planning unit.
- 44 The issue of Council tax raised in some of the public comments is not a material consideration that forms part of the planning assessment.
- 45 The Council has to consider every application on its own merits and whilst the annex would be detached from the main property, it would be considered as reliant on the host dwelling with access, parking and amenity space shared. The annex would be the same height as the existing garage and would project a further 5m in width. The annex would be set further back within the site to allow a greater degree of separation from the street scene than the existing garage. Overall, whilst the concerns and objections received are acknowledged and thoroughly considered, the proposal is considered to be policy compliant.

### Conclusion

- 46 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 47 It is therefore recommended that this application is GRANTED.

### Background papers

Site and block plan

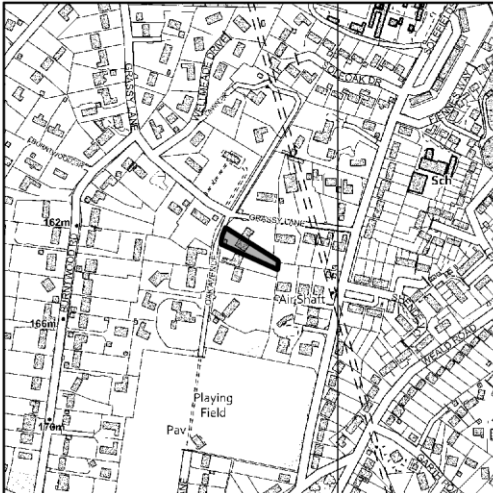
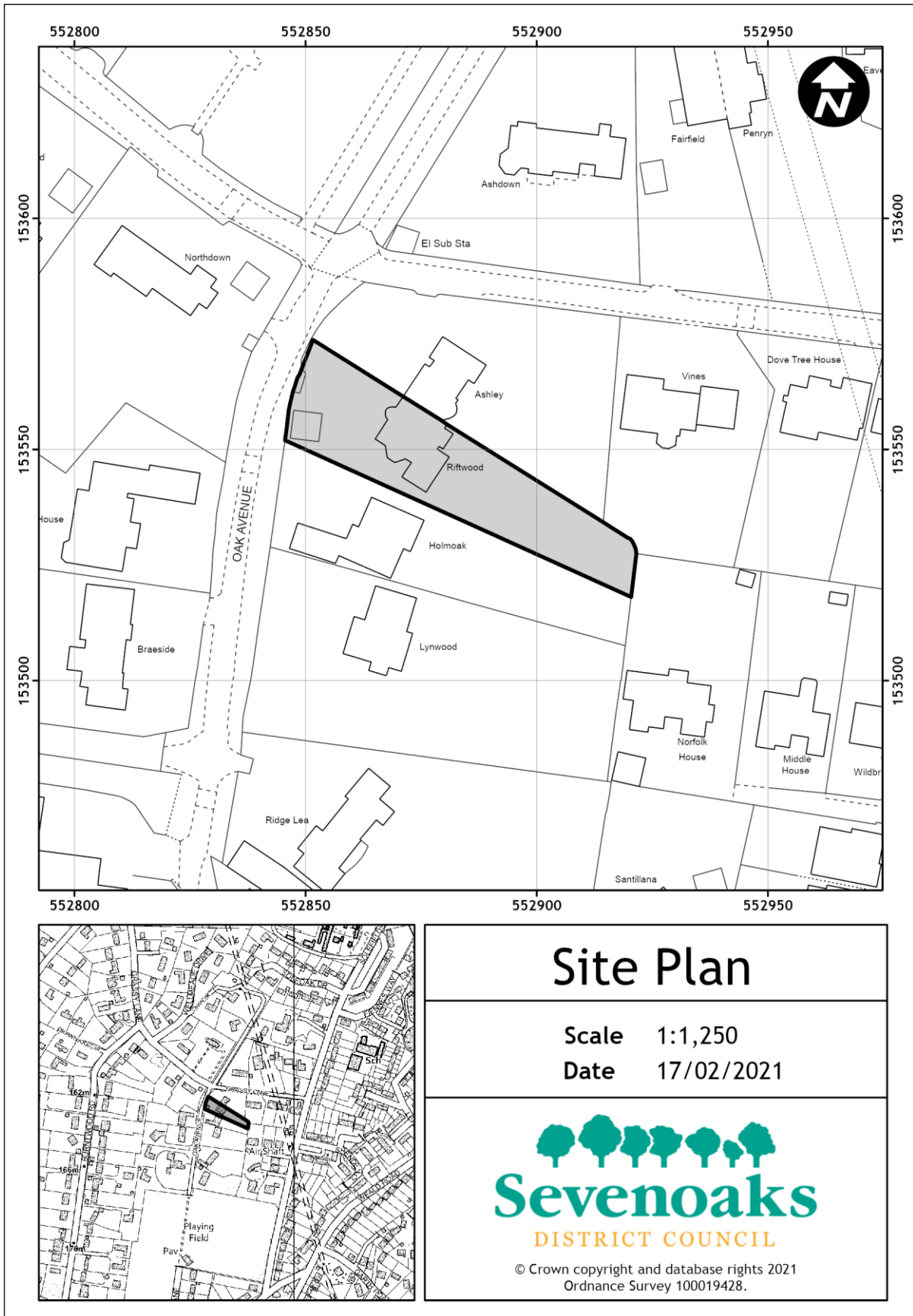
Contact Officer(s): Anna Horn

01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details](#)

[Link to associated documents](#)



# Site Plan

Scale 1:1,250  
Date 17/02/2021



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Ordnance Survey 100019428.

BLOCK PLAN



4.3 20/03261/FUL Revised expiry date 12 March 2021

Proposal: Demolition of single storey garage and plant room.  
Conversion of existing outbuilding to provide two bedroom dwelling erection of single storey extension, creation of garden utilising part of existing garden land serving Cherry Tree Cottage and use of existing access.

Location: Land North Of Cherry Tree Cottage, Main Road,  
Knockholt KENT TN14 7LH

Ward(s): Halstead, Knockholt & Badgers Mount

**Item for decision**

The application has been called to Development Control Committee by Councillor Grint because the proposed development would be a backland development, which would have an adverse impact on the neighbouring properties.

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

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

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

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

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 4182-20-PL001-P5 1 of 3, 4182-20-PL001-P6 2 of 3, 4182-20-PL001-P6 3 of 3.

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

4) Prior to first occupation, details of two independently assessable parking spaces per dwelling shall be submitted and approved in writing by the Local Planning Authority. The parking shall be retained on site thereafter at all times.

To ensure highway safety as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to first occupation, details of an electrical vehicle charging point shall be submitted and approved in writing by the Local Planning Authority. Details shall include a specification and location of the charging point. The electrical vehicle charging point shall remain thereafter at all times.

## Agenda Item 4.3

To promote sustainable development as supported by Policy T3 of the Sevenoaks Allocations and Development Management Plan.

6) 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, AA, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out or made to the dwelling without the grant of a further planning permission by the local planning authority.

To ensure any future development on the site maintains the character of the area and protects neighbouring amenity in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

### **National Planning Policy Framework**

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

### **Description of site**

- 1 The application site currently comprises of a detached dwelling with associated outbuildings. There are neighbouring properties located either side of the site and fields opposite and to the rear. The site is located within the parish of Knockholt.

### **Description of proposal**

- 2 Demolition of single storey garage and plant room. Conversion of existing outbuilding to provide two-bedroom dwelling. Erection of single storey extension, creation of garden utilising part of existing garden land serving Cherry Tree Cottage and use of existing access.

### **Relevant planning history**

- 3 93/01466/HIST - Detached single storey garden building incorporating indoor swimming pool - GRANT - 16/12/1993

### **Policies**

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

- 6 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
  - Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 7 Core Strategy (CS)
- L01 Distribution of Development
  - SP1 Design of New Development and Conservation
  - L08 The Countryside and the Rural Economy
  - SP5 Housing Size and type
  - SP7 Density of Housing Development
  - SP11 Biodiversity
- 8 Allocations and Development Management (ADMP)
- SC1 Presumption in Favour of Sustainable Development
  - EN1 Design Principles
  - EN2 Amenity Protection
  - GB7 Re-use of a building in the Green Belt
  - T2 Vehicle Parking
  - T3 Provision of Electrical Vehicle Charging Point

### Constraints

- 9 The following constraints apply;
- Metropolitan Green Belt

### Consultation responses

- 10 Knockholt Parish Council - objection: Object pending clarification of our concerns: we note pre-application advice PA/20/00059 was obtained and is stated to appear in appendix 1 to the draft statement but this is not available to view online. We note that this is a conversion of an existing build in the Green Belt with a modest increase in size, offset by a removal of 2 existing structures. This would potentially be considered as back land development in an area where there are properties having similarly generous facilities. If Sevenoaks are minded to grant this application should remain ancillary to the main domicile and not awarded its own hereditament and we ask that permitted development rights are removed.

## Agenda Item 4.3

We have some concerns about sight lines but would defer to Kent Highways for a definitive opinion. We support any neighbour concerns.

- 11 KCC Highways-the access to be used for the proposed dwelling is existing and the traffic movements from a two-bed house is unlikely to be significant. The moving of the gate back 4.8m is an improvement. However it would appear from the submitted plan that there is insufficient space when one or both parking spaces are occupied for a vehicle to turn and existing the driveway in forward gear which would make exiting the access difficult and possibly detrimental to highway safety. There would appear to modify the parking/turning area to provide sufficient space. I would therefore raise no highway objection to the application provided that the parking/turning area is modified as described above.
- 12 Further comments: I refer to the above planning application and my previous consultation comments and having considered the revised development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

### Representations

- 13 We received three letters of objection relating to the following issues:
  - Inaccuracies on the plan in relation to neighbouring gardens.
  - Screening to assist with privacy concerns
  - Noise from people and cars
  - Increase in domestication
  - Does not comply with green belt policy
  - Harmful to the green belt
  - Increase in light, noise and traffic
  - Use of building no longer being ancillary
  - Does not comply with building regulations
  - Scale and bulk out of keeping
  - Parking and access concerns - emergency services
  - Set back from the building line
  - Sound and privacy concerns
  - Plans not showing accurately the site in regard to trees
  - Lack of information in terms of disposal of run-off
  - flooding
  - visual appearance

### Chief Planning Officer's appraisal

- 14 The main planning considerations are:
  - Principle of development
  - Impact on the Green Belt
  - Impact on the character of the area
  - Impact on residential amenity
  - Parking and Highway Safety



### Principle of Development

- 15 Whilst the NPPF places an emphasis on development on previously developed land, it does not preclude other land, including garden land from being developed for residential use, provided such development is in a suitable location and relates well to its surroundings.
- 16 Paragraph 122 of the NPPF refers to the fact 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 of or promoting regeneration.
- 17 Policy L01 of the Core Strategy states that development will be focused within the built confines of existing settlement. The site lies outside of defined settlement and as such Policy L08 applies. Policy L08 allows development where the countryside and its surrounding landscape is protected with particular regard to the Green Belt.
- 18 The proposal does represent previously developed land as the outbuilding is currently used as a residential outbuilding ancillary to the main host building and the site lies within a rural, non-urban area. The dwelling would be located close to existing building form. Subject to the impact on the Green Belt, the proposal is acceptable in principle.

### Impact on the Metropolitan Green Belt

- 19 As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the re-use of an existing building provided that the buildings are of permanent and substantial construction.
- 20 Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 21 Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 22 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 23 Policy GB7 of the ADMP allows the re-use of an existing building, subject to the development not having a greater impact on the openness of the Green Belt or the character of the area, along with evidence that the building is capable of conversion without having to be structurally altered. The supporting text to policy GB7 of the ADMP also states that *“to avoid increasing impact, conversions that involve disproportionate extensions will*

## Agenda Item 4.3

*not be considered acceptable*". Therefore, proportionate extensions to the converted dwelling are permissible.

- 24 The proposal is to convert an existing relatively large residential outbuilding, currently used a swimming pool, within the curtilage of the host dwelling to a create separate dwelling. An independent structural survey has been submitted with the application, which confirms that the building is structurally sound and does not require any major or complete reconstruction for the conversion to take place. When conducting a site visit, it is also clear that the outbuilding can clearly be converted, with the existing building still being in use.
- 25 The site is currently used as residential, and would remain residential. Due to this, the re-use of the building and its land will not have any greater impact upon the openness of the green belt than the current situation.
- 26 The proposal also includes the addition of extensions to the existing building. Paragraph 145 c) allows the addition of extensions as long as they are not disproportionate additions in comparison to the original building. This is also supported by Policy GB7 of the ADMP, which also confirms that proportionate extensions would be acceptable. The proposed extensions would be a minimal addition to the original building, which would result in an increase in floor area by 17.2m<sup>2</sup>. This would result in a percentage increase of just 15.9% from the original building and therefore would be an insignificant addition to the building. The proposal also includes the demolition of the existing plant room and garage, which would result in a loss of 17.3m<sup>2</sup>. Therefore, the addition of the extension to the proposed dwelling would result in no additional built form to the site, in relation to floor area. Overall there would be no greater extent of built form in the green belt than what currently exists. The proposal would result in a minimal addition to the building and would not be a disproportionate addition to the building being converted. Therefore, the proposal will have no greater impact on the openness of the green belt than the existing situation and complies with policy GB7 of the ADMP.

### **Design and impact on the character of the area**

- 27 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.
- 28 The proposal is to convert an existing large residential outbuilding to a new dwelling within the curtilage of Cherry Tree Cottage. The building is set back from the highway and therefore would not be directly visible from the street scene. The proposed extension would not be visible from the highway due to being shielded by the building. The proposed dwelling would be located in an existing residential area, and therefore would not be out of keeping.
- 29 The proposed building is currently a large outbuilding and the proposal is to extend the building to include a single storey side extension. The extension would be a modest addition in scale, in a similar location to the existing plant room. It would be set in from both the side elevations of the building

and would be in keeping in relation to design and height to the existing building. It would be located within 1 metre from the rear boundary of the site, however due to the varied spacing of properties in the street and the fact that this opens up onto a field, this would not be out of keeping or an overdevelopment. The application site is of the large size and therefore would not appear as an overdevelopment. The plot sizes also already vary within the area, and therefore this would not be out of keeping.

- 30 As stated above, the proposed dwelling would be set back from the highway, up an existing access road on the site. This however, would not be out of keeping with the building line within the street as when assessing the building pattern and line, this is already varied within the locality of the area. Therefore, a dwelling in this location would be in keeping with the varied building line of Knockholt Main Road. More importantly the building already exists and we are simply assessing the impact of the use of the land, which will not affect the visual amenity of the local area.
- 31 The proposed materials on the dwelling would match the existing and therefore in appearance would be acceptable. The existing roof an overall height of the dwelling would also not be altered.
- 32 Therefore, the proposal complies with Policy EN1 of the ADMP.

#### **Neighbouring Amenity**

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 34 There are neighbouring properties located either side of the site and fields to the rear and opposite. The proposed dwelling would be approximately 25 metres from neighbouring property Fiveoaks and approximately 47 metres from Woodlands.
- 35 The proposal would result in additional ground windows on the front and side elevations. The window on the side elevation facing towards neighbouring property Fiveoaks is proposed to be obscure glazed and therefore the proposal would not result in any additional privacy concerns. The windows proposed on the other side would face towards neighbouring property Woodlands, however due to the boundary treatment and a distance of over 45 metres between the dwelling and this neighbour, it would not result in any loss of privacy. The front elevation would also include the addition of two windows and again will not result in any loss of privacy.
- 36 The building already exists on the site, and the proposed single storey extension will not result in any loss of sunlight, daylight, outlook or visual intrusion to the neighbouring properties, given the significant separation distances between the properties and given the single storey nature of the proposed extension.
- 37 Concern was raised in relation to noise pollution. The site is currently in residential use and will remain in residential use, albeit, a separate dwelling will now be created. However, the associated noise from a single residential dwelling within an existing residential area, will not be harmful.

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In addition, the site will utilise an existing access for the new dwelling and the increased use will not result in significant or adverse noise disturbance and concerns. The proposal complies with Policy EN2 of the ADMP.

### Parking and Highways Impact

- 38 The addition of a new dwelling would affect the application site and the access to and from the dwelling. However, the proposal would use the existing access to and from the site, therefore would not result in a significant increase or harmful impact upon the highway network.
- 39 A dwelling of this scale would require two parking spaces, which have been identified on the proposed block plan. The parking for the existing property has not been included, therefore a condition for further details can be included. A condition for electrical vehicle charging points would also be included
- 40 KCC Highways raised no objection to the proposal in principle. The access and visibility of this is also deemed acceptable by KCC Highways. However, they initially raised concerns in relation to the insufficient turning area for the proposed dwelling. KCC Highways requested an amended plan to show this and the amended plan has now been provided, in which KCC Highways have raised no objection.
- 41 Therefore the proposal will not result in hazardous highway conditions and therefore is acceptable.

### Other issues

- 42 Concern has been raised in relation to potential inaccuracies on the plans in regards to the neighbouring gardens and trees. Based on our validation checklist, the proposed plans do not require to include any neighbouring properties, however are included for clarify and to show the development clearly in relation to its relationship with neighbouring sites. Therefore, the information included on the plans are sufficient enough. A site visit is also conducted to fully assess the relationship of the application site and neighbours.
- 43 A concern has been raised in relation to the boundary screening between the development and neighbours. The proposed site plan shows clearly both the existing and proposed boundary treatment on the site.
- 44 Concern has been raised in relation to the use of the building and how this should remain as being ancillary. However, the application is for a separate dwelling and has been assessed against the relevant policies.
- 45 A concern has been raised in relation to that the proposed development would not comply with the relevant building regulations, along with concerns in relation to the runoff water and drainage. These concerns relate to building control matters and are not material planning considerations that we take into consideration.

- 46 Concern was raised in relation to the potential impact with flooding on the site. The area is not within a flood zone 2 or 3 and therefore raises no significant concerns.

**Community Infrastructure Levy (CIL)**

- 47 This proposal is CIL liable and there is no application for an exemption.

**Conclusion**

- 48 The proposal complies with Policies EN1, EN2 and GB7 of the ADMP and the NPPF.

**Recommendation**

- 49 It is therefore recommended that this application is GRANTED.

**Background Papers**

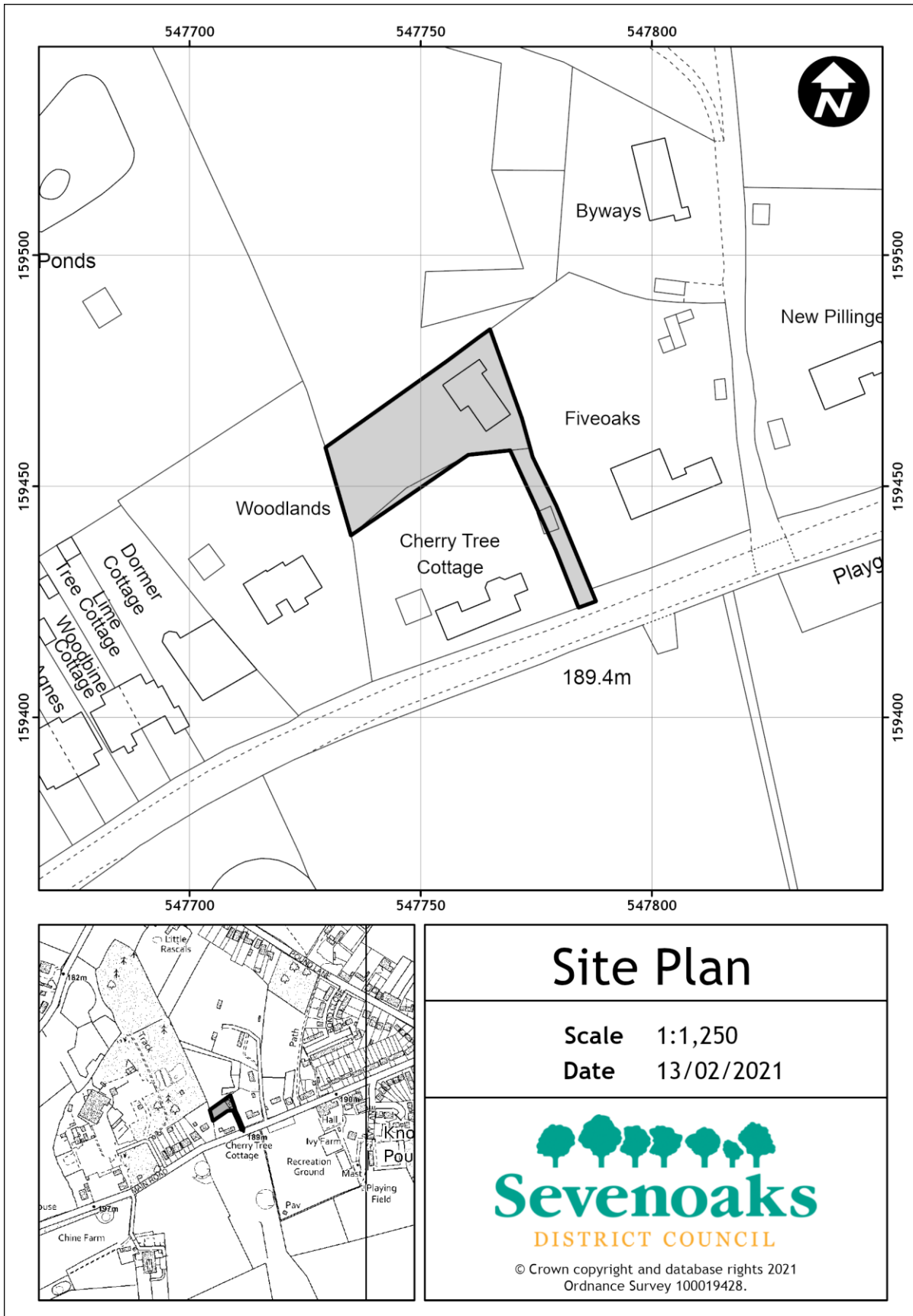
Site and Block Plan

Contact Officer(s): Louise Cane 01732 227000

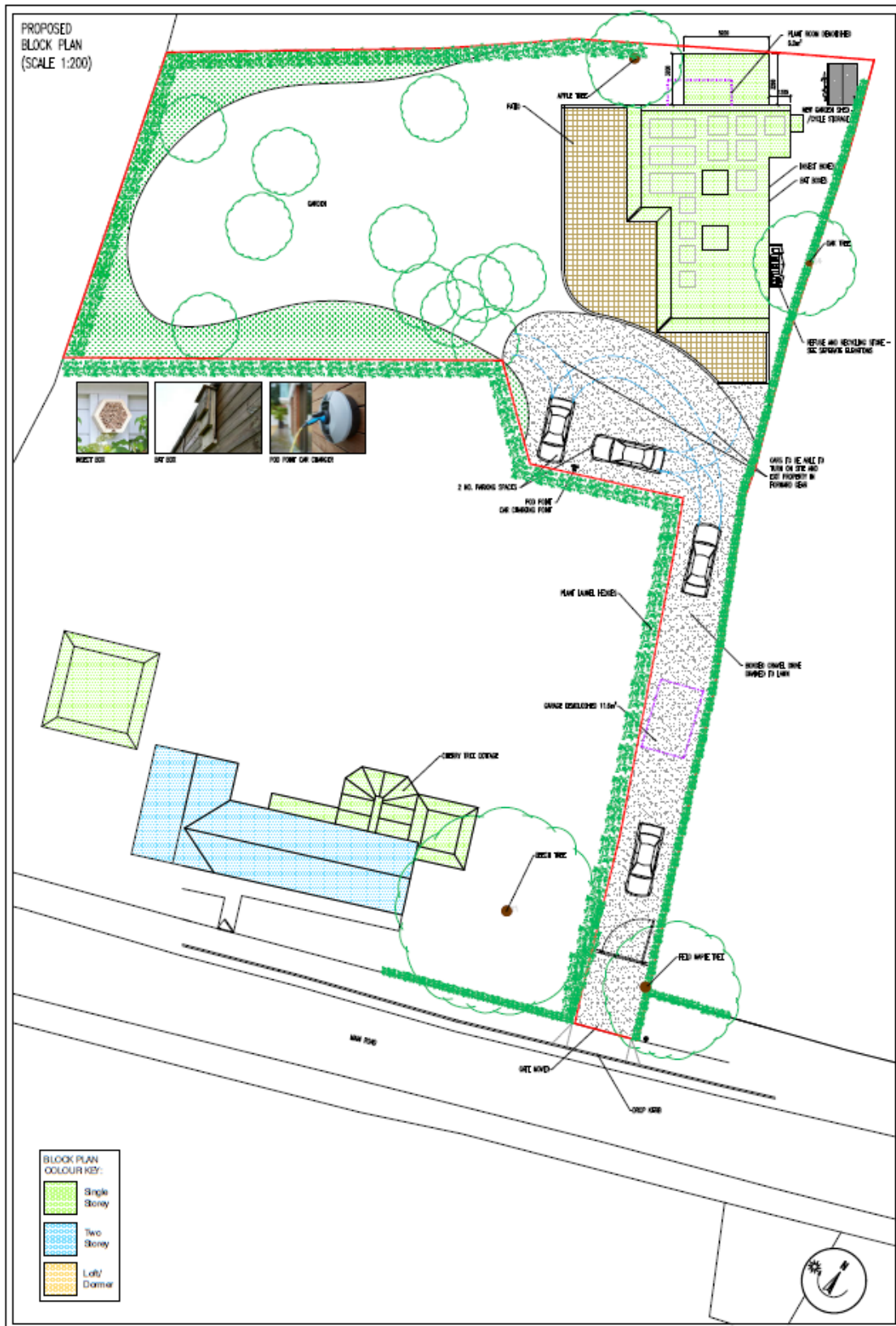
**Richard Morris**  
**Chief Planning Officer**

[Link to application details](#)

[Link to associated documents](#)



BLOCK PLAN



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5.1 TPO 7 of 2020

**PROPOSAL:** TPO 7 of 2020 was served to protect the remaining deciduous species located on this land.

**LOCATION:** Located on land to the south of Waystrode Cottages, Spode Lane, Cowden.

**WARD(S):** Cowden & Hever.

**ITEM FOR DECISION**

The application is referred to committee following an objection to TPO 7 of 2020.

**RECOMMENDATION:** That TPO 7 of 2020 is confirmed without amendment.

**Description of Site**

- 1 The land is located to the south of Spode Lane and south east of 1 Waystrode Cottages, Spode Lane, Cowden. It is an area of tree lined open land with several trees situated within the boundaries. This land has recently been given over to stabling horses. Consent was granted to construct stables, a hardstanding area and an exercise and riding arena.

**Policies**

- 2 National Planning Policy Framework (NPPF)
- 3 National Planning Policy Guidance (NPPG).

**Constraints**

- 4 The following constraints apply
  - TPO 26 of 2010 (to the south of the site).
  - AONB.
  - Metropolitan Green Belt.
  - Biodiversity Opportunity Area.

**Amenity Value and Visibility of the deciduous trees.**

- 5 These trees can be seen from the main road to the north of the site, the recreation ground to the south and from adjacent properties. They appear to be in a sound and healthy condition and so offer a degree of amenity to the local area. The serving of this Tree Preservation Order would prevent their removal, thus preserving their amenity value in the local area.

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### Representations

- 6 An objection has been received to the serving of TPO 7 of 2020. The objectors are Mr and Mrs K Pallas, the landowners.
- 7 Mr and Mrs Pallas object on the grounds that the land is not a woodland and so a woodland order should not have been served.
- 8 Mr and Mrs Pallas also object on the grounds that a woodland TPO is not viable as the land has no regeneration potential and the serving of the order would hinder management work.
- 9 Mr and Mrs Pallas also object on the grounds that a site visit was not carried out prior to the serving of the order and the presence of dead or dangerous trees have not been taken into consideration.
- 10 Mr and Mrs Pallas also object on the grounds that no identification of individual trees or groups of trees has been carried out. The description within schedule 1 simply states mixed deciduous species.
- 11 Mr and Mrs Pallas also object on the grounds that an appropriate assessment of the amenity value of those trees present has not been carried out. They claim that the majority of those trees present are either dead or in decline. No public footpath run across the land and the neighbouring properties have restricted views of those trees present due to the presence of vegetation on their own land.

### Appraisal.

### Consideration of Objections.

- 12 TPO 7 of 2020 was served in response to concerns being raised from a local ward member and several local residents following the felling of several trees at this site. A brief site visit was carried out to ascertain the extent of the felling works. Aerial photography was also studied to determine the extent of the felling. The serving of a woodland TPO was considered to be appropriate as speed was of the essence to prevent further tree felling from taking place.
- 13 The woodland order was also served in the hope that natural regeneration would occur especially along the boundaries of the site. According to the Forestry Commission, *“Woodland is defined in UK forestry statistics as land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this. The definition relates to land use, rather than land cover, so integral open space and felled areas that are awaiting restocking are included as woodland.”*
- 14 With regards to the objection that the woodland order is not viable, all land has the potential to regenerate. This rather depends on the management of the site. We are not expecting the site to revert to high forest, but regeneration could be encouraged along the property boundaries. The serving of the woodland order would not necessarily prevent the land management currently practiced by the landowners. Whether that be the harrowing of the land, ploughing, re-seeding etc. The purpose of the serving

of the woodland order was to prevent the further removal of mature trees rather than prevent or disrupt the current uses of the land carried out by the owners

- 15 A site visit was carried out, as potentially a full and detailed site visit would have alerted the landowners that the Tree Preservation Order was about to be served and may have resulted in the remaining trees on this site being removed before the notice was actually served.
- 16 With regards to the lack of identification of individual trees or groups of trees being undertaken. Under a woodland TPO there is no requirement to detail individual trees or even groups of trees, including their species.
- 17 With regards to the lack of an assessment of the amenity value of those trees present. The serving of the order prevented the further felling works from taking place and so allow a fuller assessment to be completed. As detailed above, the trees do have amenity value in the local area.
- 18 Those trees that remain offer a degree of amenity as they can be seen from the main road and from neighbouring land.
- 19 Finally, any trees that are dead or dangerous trees may be removed as an exemption, all that is required is 5 days' written notice prior to the necessary works taking place.

**Expediency of preserving the remaining trees.**

- 20 The loss of the remaining trees at this location would be detrimental to the local amenity. The serving of this order would retain these trees and control would be exerted on the extent of any future pruning works to them.

**Conclusion.**

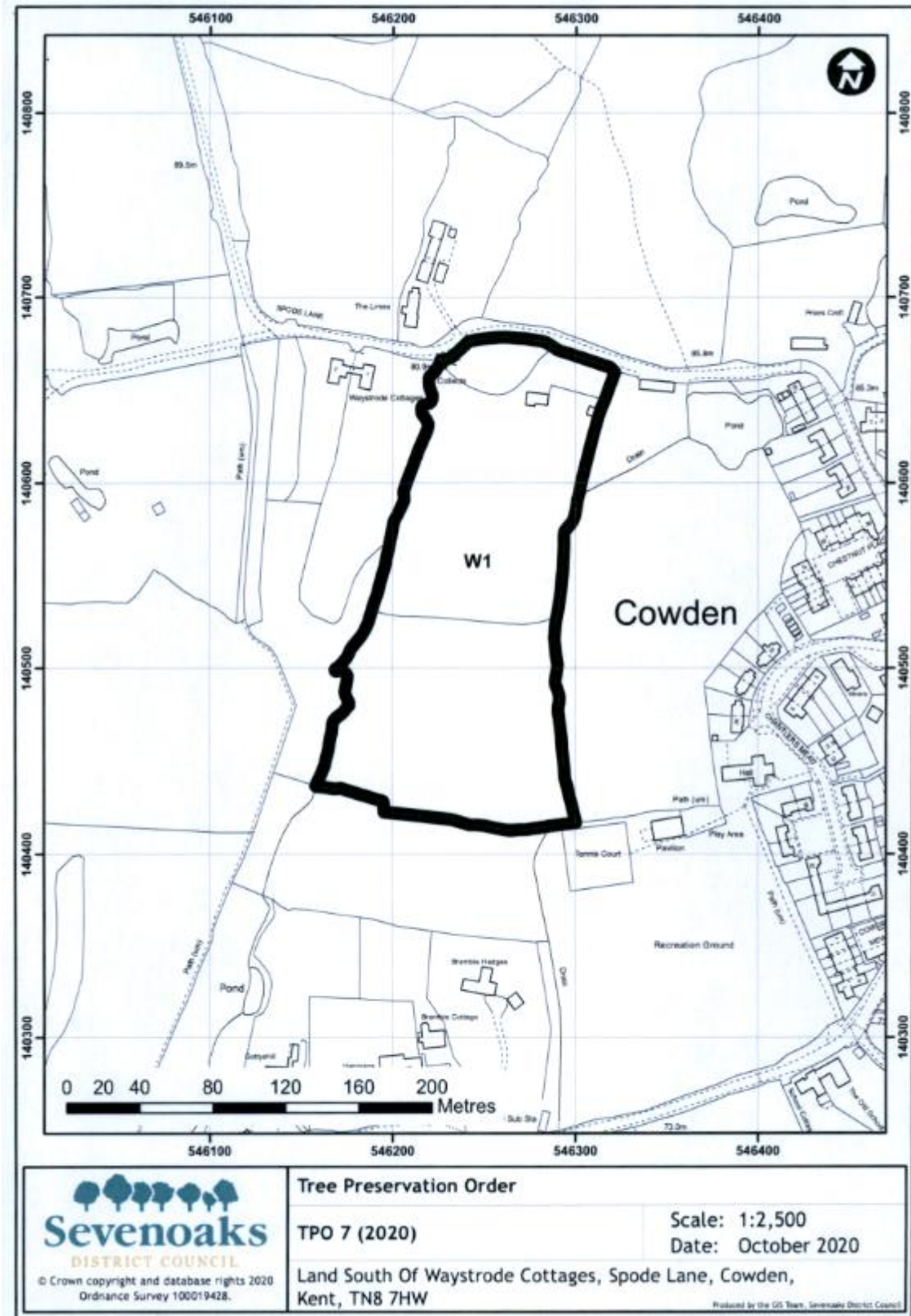
Recommendation: that TPO 7 of 2020 be confirmed without amendment.

TPO plan and Schedule 1 attached as (Appendix 1).

Contact Officer

Harry Walker 01732 227000

**Richard Morris**  
**Chief Planning Officer**



<b>SCHEDULE 1</b>		
<b>SPECIFICATION OF TREES</b>		
<b>Trees specified individually</b> (encircled in black on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	
<b>Trees specified by reference to an area</b> (Within a dotted black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	
<b>Groups of trees</b> (Within a broken black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	
<b>Woodlands</b> (Within a continuous black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
W1	Mixed deciduous species.	Situated on land to the south of Waystrode Cottages, Spode Lane, Cowden, Kent.
<p>* complete if necessary to specify more precisely the position of the trees.</p>		

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