

29 September 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 21.09.22



This meeting will be livestreamed here:

[https://www.youtube.com/channel/UCLT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCLT1f_F5OfvTzxjZk6Zqn6g)

# Development Control Committee

(adjourned from 8 September 2022)

## Membership:

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

## Agenda

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

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 18 August 2022, as a correct record.	(Pages 1 - 6)	
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>22/00683/ FUL - Berkeley House, 7 Oakhill Road, Sevenoaks Kent TN13 1NQ</b>  Demolition of existing building and ancillary structures and the erection of a residential apartment building (69 units) together with associated parking, basement, refuse and recycling facilities, hard and soft landscaping, and associated earthworks.	(Pages 7 - 64)	Sean Mitchell Tel: 01732 227000

Please note the agenda pack includes all the previously circulated papers for the meeting which was adjourned on 8 September 2022.

## EXEMPT INFORMATION

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

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

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

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 18 August 2022 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Cheeseman, Perry Cole, P. Darrington, Edwards-Winsler, Hogarth, McGarvey, Osborne-Jackson, Purves, Raikes, Reay and Williams

Apologies for absence were received from Cllrs. Hudson, Layland and Streatfeild

Cllr. Dr. Canet and Cllr Fleming were also present.

Cllr. Thornton was also present via a virtual media platform that did not constitute attendance as recognised by the Local Government Act 1972.

26. Minutes

Resolved: That the minutes of the meetings on 21 June 2022 and 28 June 2022 be approved and signed by the Chairman as a correct record.

27. Declarations of Interest or Predetermination

With the approval of the Committee, the Chairman declared for Minute 29 - 22/01088/MMA - 40 High Street, Sevenoaks, Kent, TN13 1XR that all members of the Committee were familiar with the Public Speaker against the application from his role as County Councillor, but that they remained open minded.

Cllr Raikes declared for Minute 29 - 22/01088/MMA - 40 High Street, Sevenoaks, Kent, TN13 1XR and Minute 30 - 22/00818/ADV - 26 - 28 Pembroke Road, Sevenoaks, Kent TN13 1XR that he sat on Sevenoaks Town Council and had discussed them at their Planning Committee, but would keep an open mind.

Cllr Hogarth declared for both Minute 29 - 22/01088/MMA - 40 High Street, Sevenoaks, Kent, TN13 1XR and Minute 30 - 22/00818/ADV - 26 - 28 Pembroke Road, Sevenoaks, Kent TN13 1XR that he sat on Sevenoaks Town Council and had discussed them at their Planning Committee, but would keep an open mind.

28. Declarations of Lobbying

There were none.

29. 22/01088/MMA - 40 High Street, Sevenoaks, Kent TN13 1JG

The proposal sought consent for a minor material amendment to 20/03395/FUL. The application had been referred to the Committee by Cllr. Fleming out of concern for a loss of privacy for neighbours, contrary to EN2 of the Sevenoaks Allocations and Development Management Plan.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Nick Chard
For the Application:	Jonathan Leeson
Parish Representative:	-
Local Members:	Cllr Fleming

Members asked questions of clarification from the Officer.

It was confirmed that sufficient allowances for ventilation had been made in the rooms with sealed windows.

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

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 the time limit imposed on application SE/20/03395/FU

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: 2038-01, 2038-02, 2038-03, 2038-04, 2038-05, 2038-06, 2038-07B, 2038-08A, 2122-09L, 2038-10A, 2122-11G, 2122 - 18B, 2122 - 19, CL2-BSH-01SX Rev A, CL2-BSH-02SX Rev A, CL3-S06SX Rev A, and CL3-S01SX Rev A.

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

- 3) The materials and their specifications (including, where applicable, size, colour, texture, profile, finish, bonding and pointing) shall be

implemented in accordance with the details approved under application 21/04127/DETAIL.

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 existing first floor flat roof area on the north-east facing rear elevation shall not be used as private amenity space in relation to the development hereby approved. Access shall only be retained for safety and maintenance purposes.

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

- 5) The mitigation measures to provide adequate air quality and noise protection will be implemented in accordance with the details approved under application 21/02798/DETAIL and shall be implemented prior to first occupation.

To ensure that the noise levels in habitable rooms meet the requirements of BS 8233:2014 and that future residents are not exposed to harmful levels of air pollution, to protect the amenity of future occupants.

- 6) The proposed development shall be carried out in accordance with the Construction Management Plan, as approved under application 21/02905/DETAIL, at all times.

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

- 7) The Council operates a residential parking permit scheme, for which the future occupants would not be eligible.

In the interest of vehicular parking and permit availability in accordance with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 8) The second floor window on the rear facing north-eastern elevation, as shown on the Rear Elevation (drawing 2122 - 11G) that connects to the flat roof terrace area, shall be fixed shut and non-opening at all times.

To prevent the flat roof area being used as a private amenity terrace to safeguard the residential amenities of neighbouring properties in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan

## Agenda Item 1

### Development Control Committee - 18 August 2022

- 9) The first floor north-west facing window (serving Bedroom 2), as shown on the North Flank Elevation (drawing 2122 - 11G) shall be fixed shut and non-opening at all times, and shall be obscure glazed with glass of obscurity level 3 at all times.

To safeguard the privacy of neighbours, in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 10) Notwithstanding the approved plans, the cowl as shown on the roof of drawing 2122-11G does not form part of the approved works and no Planning or Listed Building consent is hereby given for these works.

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

#### 30. 22/00818/ADV - 26 - 28 Pembroke Road, Sevenoaks, Kent TN13 1XR

The proposal sought consent to display signs at 26 - 28 Pembroke Road, Sevenoaks, Kent TN13 1XR. The application had been referred to the Committee because Sevenoaks District Council were the applicant.

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

Members asked questions of clarification from the Officer.

It was moved by the Chairman and duly seconded that the recommendation within the late observations be agreed.

It was put to the vote and

Resolved: That the decision be delegated to the Chief Planning Officer for advertisement consent to be GRANTED, subject to no new issues being raised as part of the consultation process, and the following conditions:

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 2) No advertisement shall be sited or displayed so as to:
- a - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
  - b - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

THE MEETING WAS CONCLUDED AT 7.25 PM

CHAIRMAN

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4.1 22/00683/FUL

Revised expiry date 22 August 2022

Proposal: Demolition of existing building and ancillary structures and the erection of a residential apartment building (69 units) together with associated parking, basement, refuse and recycling facilities, hard and soft landscaping, and associated earthworks.

Location: Berkeley House, 7 Oakhill Road, Sevenoaks Kent TN13 1NQ

Ward(s): Sevenoaks Kippington

**Item for decision**

This application has been reported to Development Control Committee as the Council owns part of the land.

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:

00978C P-01\_4 Rev.P2, 00978C P-02\_4 Rev.P2, 00978C P00\_4 Rev.P2, 00978C P01\_4 Rev.P2, 00978C P02\_4 Rev.P2, 00978C P03\_4 Rev.P2, 00978C P04\_4 Rev.P2, 00978C\_BE\_00 Rev.P1, 00978C\_BE\_01 Rev.P1, 00978C\_BE\_02 Rev.P1, 00978C\_BE\_03 Rev.P1, SUB\_00 Rev. P1, 00978C\_S\_00 Rev.P1, 00978C\_S\_03 Rev.P1, 1534-KC-XX-YTREE-TCP01 Rev.0, 1534-KC-XX-YTREE-TPP01 Rev.A, HBA-868-101 Rev.E, HBA-868-102 Rev.C, HBA-868-103 Rev.C, HBA-868-104 Rev.D.

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

3) The demolition phase of the development hereby approved shall not commence until a Construction & Demolition Environmental Management Plan (CDEMP) has been submitted to and approved in writing by the Local Planning Authority. The CDEMP shall include details of the following measures:

- i. An introduction consisting of definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the demolition and construction programme;

## Agenda Item 4.1

- iv. Site working hours and a named person for residents to contact;
- v. Detailed site logistics arrangements;
- vi. Details regarding parking, deliveries, wheel washing facilities and storage;
- vii. A comprehensive Air Quality and Dust Management Plan (AQDMP) should be submitted to the Council all mitigation measures listed.
- viii. Noise and vibration controls, vibration limits and a monitoring programme (in compliance with BS 5228-1:2009+A1:2014);
- ix. Details of the hours of works and other measures to mitigate the impact of demolition on the amenity of the area and safety of the highway network;

The demolition shall thereafter be carried out in accordance with the details and measures approved in the CDEMP, unless otherwise agreed in writing by the Local Planning Authority.

To ensure minimal nuisance or disturbance is caused, to the detriment of the amenities of adjoining occupiers and of the area generally, and to avoid unnecessary hazard and obstruction to the public highway. This is required prior to commencement to ensure that all stages of demolition are carried out in an acceptable manner. In accordance with policies EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

4) The materials to be used in the construction of the development shall be those indicated on the approved plans:

00978C\_BE\_00 Rev.P1, 00978C\_BE\_01 Rev.P1, 00978C\_BE\_02 Rev.P1,  
00978C\_BE\_03 Rev.P1, SUB\_00 Rev. P1.

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

5) Prior to the occupation of the development hereby approved the resident and visitor cycle parking spaces as shown on the approved plans shall be constructed and retained for cycle parking, unless otherwise agreed in writing by the Local Planning Authority

To ensure a permanent retention of cycle parking for the development as supported by policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan, and SP2 of the Core Strategy

6) Prior to the occupation of the development hereby approved site access visibility splays of 22 metres x 2.4 metres x 22 metres shall be provided and retained with no obstructions over 1.05 metres above carriageway level within the splays, unless otherwise agreed in writing by the Local Planning Authority

In the interest of highway safety.

7) Prior to the commencement of development (excluding demolition and initial enabling works), a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and the Drainage Strategy prepared by JNP Group dated February 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 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): appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any 2 proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan. These details and accompanying calculations are required 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.

8) No development approved by this planning permission shall take place until a preliminary risk assessment and site investigation scheme has been submitted to and approved in writing by the local planning authority: a) The preliminary risk assessment shall identify: - all previous uses o potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site. b) The site investigation scheme, shall be based on (a) and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. No development approved by this planning permission (excluding demolition and initial enabling works) shall take place until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include: a) The results of the site investigation and the detailed risk assessment referred to in (Xa) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, including a programme of work. b) Details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (Xa) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

In accordance with paragraph 174 of the National Planning Policy Framework.

9) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the

approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority. Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site lies upon a Principal aquifer, within Source Protection Zone 2. Additionally, resting groundwater levels have been identified at shallow depths. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater. In accordance with paragraph 174 of the National Planning Policy Framework.

10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

To reduce risk to controlled waters. There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters, in accordance with paragraph 174 of the National Planning Policy Framework.

11) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. In accordance with paragraph 174 of the National Planning Policy Framework.

12) Prior to first occupation of any of the dwellings, a verification report to include vibration testing shall be submitted for approval to the local planning authority to demonstrate that Vibration Dose Values are in accordance with those predicted in the RSK Acoustics 'Railway Vibration Assessment' report (dated 16th May 2022), that they do not exceed 0.4 ms<sup>-1</sup>.75 during any 10 minute period during the

daytime (07.00 - 23.00 hours), and do not exceed 0.2 ms-1.75 during any 10 minute period during the night time (23.00 - 07.00 hours).

To protect the amenity of local residents, in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

13) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface 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."

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. In accordance with paragraph 174 of the National Planning Policy Framework.

14) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

To protect bat populations, in accordance with Policy SP11 of the Sevenoaks Core Strategy

15) Prior to commencement of works a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on section 5 of the Ecological Appraisal (BSG February 2022) and include the following. a) Description and evaluation of features to be managed; b) Ecological constraints on site that might influence management; c) Aims and objectives of management; d) Appropriate management prescriptions for achieving aims and objectives; e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); f) Details of the body or organisation responsible for implementation of the plan; g) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To conserve and enhance the biodiversity of the site, in accordance with Policy SP11 of the Sevenoaks Core Strategy

16) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. The development shall be constructed and operated thereafter to 'Secured

by Design Standards'. A certificate of accreditation to Secured by Design Standards shall be submitted to the local planning authority for approval in writing prior to occupation of the development.

To ensure the safety and security of future occupiers and adjoining properties and prevent crime and disorder occurring within and in the immediate vicinity of the site, in the interest of public safety, in accordance with Policy EN1 of the Sevenoaks Allocation and Development Management Plan.

17) Prior to above ground works, full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans (identifying existing planting, plants to be retained and new planting); a schedule of new planting (noting species, size of stock at the time of planting and proposed numbers/densities); and a programme of implementation for the works. The soft landscaping scheme shall be carried out in accordance with the approved details and programme of implementation, unless otherwise agreed in writing by the Local Planning Authority. The hard landscape details to be submitted shall include details of hard surfacing materials, including type and specification, and boundary/retaining walls/fences to be erected. The hard landscaping scheme shall be implemented in accordance with the approved details prior to first occupation of any part of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Should any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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.

18) The energy saving technology shall be installed on site prior to the occupation of the first dwelling in accordance with the details within the Proport Eco-Services Energy Strategy Report, unless otherwise approved in writing by the Local Planning Authority.

In accordance with Policy SP2 of the Sevenoaks Core Strategy

19) Prior to commencement of development, including works of demolition and site clearance, tree protective fencing shall be installed on the site in strict accordance with the recommendations set out in the report by Huskisson Brown Associates and plan 1534-KC-XX-YTREE-TPP01, unless otherwise agreed in writing by the Local Planning Authority

To protect the trees being retained, including those under Tree Preservation Order, on the site, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

20) Prior to first occupation, details of the provision of a minimum of 20% active electric vehicle charging points, as well as passive connections to all other spaces (to enable the future installation of electric vehicle charging points by the home

owner) shall be submitted to and approved in writing by the Local Planning Authority. The points/connections shall be provided in accordance with the approved details prior to first occupation, unless otherwise agreed in writing by the Local Planning Authority.

In accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

21) Prior to the occupation of each dwelling, the relevant noise mitigation measures as set out in the Planning Noise Report by RSK Acoustics shall be installed and permanently maintained as such, unless otherwise agreed in writing by the Local Planning Authority .

To safeguard the amenities of neighbours, in accordance with Policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan

22) Prior to commencement (excluding demolition and initial enabling works), details of the existing levels and the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

23) The Travel Plan submitted with the application shall be implemented on occupation of the development hereby approved and monitored in accordance with the said details.

To encourage travel by means other than private motor vehicles in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

24) Prior to first occupation of any part of the development hereby permitted, details of solid privacy screens to the north facing ends at a minimum height of 1.7 metres from finished floor levels of the balconies and roof terrace serving plot units 14, 30, 31, 49, 50, 64 shall have been submitted to and approved in writing to the local planning authority. The development shall be carried out in accordance with the approved details and the screens shall be retained.

In the interests of safeguarding residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

25) No new grilles, security alarms, lighting, cameras, damp-proof course or other appurtenances shall be fixed on the external faces of the building, including its roof other than those shown on the drawings hereby approved unless otherwise agreed in writing by the local planning authority.

To maintain the integrity and character of the proposed development as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

26) The development hereby approved shall incorporate fire safety measures in accordance with submitted Fire Strategy, unless otherwise agreed in writing by the local planning authority.

In the interests of fire safety

27) Prior to the occupation of the development hereby approved the vehicle parking spaces as shown on the approved plans shall be constructed, surfaced and retained for vehicle parking, turning and deliveries, unless otherwise agreed in writing by the Local Planning Authority

To ensure a permanent retention of vehicle parking for the development, as supported by Policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

#### 1) Piling

With respect to any proposals for piling through made ground, we would refer you to our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. A Piling Risk Assessment (PRA) is required to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near surface pollutants migrating to underlying aquifers. The risk assessment must investigate whether the water environment source-pathway-receptor linkages exist. Further guidance is available on the [www.gov.uk](http://www.gov.uk) website.

#### 2) Drainage

The following points should be noted wherever infiltration drainage (such as soakaways) are proposed at a site:

Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.

No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table. A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

3) We recommend that the applicant reviews our guidance document "The Environment Agency's approach to groundwater protection" and refers to Section G.



4) Disposal/movement of soils

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

excavated materials that are recovered via a treatment operation can be re-used onsite providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project formally agreed with us some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

The Position statement on the Definition of Waste: Development Industry Code of Practice and;

The Environmental regulations page on GOV.UK

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregated from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

5) 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.

6) 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.

7) Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

### **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 a suburban area of Sevenoaks, off a private road, Oakhill Road. The Sevenoaks Granville Road and Eardley Road Conservation Area is located to the east of the site.
- 2 The site includes two parcels of land; that occupied by Berkeley House and a parcel of open space to its rear and extending to the railway line to the east and then extending further south, with a separate frontage onto Oakhill Road to the south.
- 3 The Berkeley House site is a vacant, two-storey office (Class E) building with approximately 78 car parking spaces. The previously developed part of the site approximately measures 0.46ha.
- 4 The open space namely to the rear of the site approximately 0.81 hectares of undeveloped and unmanaged deciduous woodland which is bounded to its east by a railway line. Also there are two TPO's within the site, protecting specific trees that were designated in the mid 1980's.

### **Description of proposal**

- 5 Demolition of existing office building and ancillary structures and the erection of a residential apartment building consisting of 69 units. The building will consist of two lower ground floors, a ground floor and three upper floors. The building will incorporate a basement level parking area together with waste and cycle storage provision. Other works will include landscaping in and around the site and provision of an external parking area.
- 6 The proposal will provide 46 (including 5 accessible spaces) car parking spaces within the underground car park, together 32 external car parking spaces and a service and delivery area.

### Relevant planning history

- 7 14/03345 Prior notification for a change of use from office (Class B1a) to Class C3 (dwellinghouses). This application is made under Class J of The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Prior approval not required.
- 8 15/03607 Prior notification for a change of use from office B1 (a) to dwelling houses C3. This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior approval not required.
- 9 17/01849/PAC Prior notification for a change of use from offices (Class B1a) to dwellinghouses (Class C3). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior approval not required.
- 10 18/03486/PAC Prior notification for a change of use from office use to a dwellinghouse. This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015. Prior approval not required.
- 11 19/00067/PAC - Prior notification for a change of use from office use to a dwellinghouse. This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior approval not required.

### Policies

- 12 National Planning Policy Framework (NPPF)

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

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

application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 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

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- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Land for Business
- SP11 Biodiversity

### 14 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN7 Noise Pollution
- EMP1 Land for Business
- GI2 Loss of Open Space
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

### 15 Other

National Planning Practice Guidance (NPPG)

Community Infrastructure Regulations

National Design Code

Affordable Housing SPD update 2019

Sevenoaks District Council Conservation Area Appraisal

Sevenoaks District Council Residential Character Appraisal - H05

BRE - Planning for Sunlight and Daylight

### Constraints

#### 16 The following constraints apply:

- Urban confines of Sevenoaks;
- TPO - 87/22/SDC & 86/25/SDC;
- Open space allocation (part of site);
- Employment site designation;
- Adjacent Kippington and Oakhill Road Conservation area;
- Water Source Protection Zone 2

**Consultations responses**

17 Sevenoaks Town Council: Objects on following grounds:

- Overdevelopment of site;
- Lack of affordable housing provision;
- Not in keeping;
- Loss of landscaping and trees;
- Loss of employment area;
- Loss of amenity to adjacent properties;
- Out of character by virtue of the design, scale and bulk;
- Would neither preserve nor enhance the setting of the area/Conservation area.

18 Environment Agency: No objections subject to conditions:

19 “Contaminated Land

20 Condition 1

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority (LPA):

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved

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### 21 Condition 2

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

#### Reason

To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site lies upon a Principal aquifer, within Source Protection Zone 2. Additionally, resting groundwater levels have been identified at shallow depths. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater.

- 22 Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To comply with the National Planning Policy Framework (NPPF) paragraph 174.

### 23 Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

#### Reason

To reduce risk to controlled waters. There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters. To comply with the NPPF paragraph 174.

### 24 Drainage:

As there is no intention to discharge to ground from the proposed development, we have no comments on the drainage scheme from a groundwater protection perspective. Should plans be changed as this application progresses, we will need to be re-consulted.

25 Condition 4

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.”

26 And recommends further Informatives

27 National Highways: No objection raised

28 Natural England: No objection raised

29 Health and Safety Executive: No response

30 KCC Lead Flood Authority - No objection subject to conditions:

“The proposals seek to utilise infiltration via deep bored soakaways which is considered to provide a significant betterment and ensure compliance with the discharge hierarchy.

We would note that the base of the deep bored soakaways must have a minimum of 1m unsaturated zone to the ground water. Should your authority be minded to grant permission for the proposed development, we recommend the following conditions are attached:

31 Condition:

Development shall not begin 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 Flood Risk Assessment and the Drainage Strategy prepared by JNP Group dated February 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

32 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.

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- 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.

- 33 The drainage scheme shall be implemented in accordance with the approved details.

Reason: 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.

- 34 Condition:

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 that the drainage system constructed is consistent with that which was 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.

Reason: 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.”

- 35 KCC Ecology: No objection, recommend conditions relating to proposed mitigation measures and ecological enhancements.

- 36 KCC Economic Development: Request for funds - please see online document. Request for condition relating to high speed broadband

- 37 KCC Archaeology - No comment received

- 38 KCC Public Rights of Way - No objection raised

- 39 KCC Highways “The Transport Statement submitted is considered to be a robust assessment of the likely highways impact of the application.



40 Access

41 The development will utilise the existing access on Oakhill Road, which is a two way private road with an adjacent footway, within a 20mph speed limit. The proposed dwellings are in a sustainable location, with easy access to public transport and local amenities within walking distance.

42 The TRICS assessment of traffic generation provided has been interrogated and the impact is acknowledged as not significant. I am satisfied that the proposal will not generate a material increase in vehicle numbers above those already associated with the extant use of the site. Crashmap data has been provided for Oakhill Road and its junctions with London Road and Oak Lane and over the past 5 years, no personal injury crashes have been recorded therefore raising no concerns.

43 Parking

44 A total of 78 parking spaces are proposed, which includes 69 allocated spaces (1 space per flat) and 9 unallocated visitor spaces. I am pleased to see this includes 20% of the spaces having EV charging points and the remainder having passive provision i.e. cabling / ducting. I am satisfied that this meets the requirements set out within IGN3 parking standards which for a town centre location is set at a maximum of 1 space per unit. If there is any additional demand then there are a number of nearby public car parks that could be utilised. Disabled parking bays are included in line with KCC recommendations.

45 A minimum of one cycle space is proposed per unit, which is in line with IGN3 parking standards. Any cycle storage will need to be secure by design, weatherproof and accessible by all units.

46 Summary:

47 In conclusion, and particularly considering it has been demonstrated in the Transport Statement that there is no significant increase in vehicle movements to the site compared with the extant office use, I do not consider it would be appropriate to object to this application on highway grounds. It should be remembered that in accordance with the NPPF Paragraph 111, a development should not be refused on highway grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I do not consider this to be the case.

48 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:-

49 1 Provision and maintenance of 22 metres x 2.4 metres x 22 metres visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.

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- 50 2 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- 51 3 Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- 52 4 Submission of a Construction Management Plan before the commencement of the 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”
- 53 SDC Planning Policy: No objection raised -
- 54 “This proposal is to demolish the existing building and ancillary structures and the erection of a residential apartment building (69 units) together with associated parking, basement, refuse and recycling facilities. The main issue to consider here is the principal of the loss of the office use and to change the use of the site to housing.
- 55 It is noted that prior approval was not required for a change of use of the building to a dwelling house (SE/19/00067). It is therefore my view that due to this fallback position that the office use has already been lost on principle.
- 56 It is also my understanding that there has been a shrinkage in the office market in over the past few years and there has been an increase in vacancies in larger buildings suggesting less of a demand. With an increase in home working and an apparent decrease on office space, it is my view that we should be looking to retain larger office spaces that have the capacity to be more flexible. This could mean for example where the building/s could include a mixed use or have the capacity for redevelopment to create a blend of quality and social spaces.
- 57 It is noted that this building is isolated and is set away from other commercial uses. It is surrounded by residential properties and therefore a more flexible use may not be appropriate here. Therefore as the principal of an office use has already been lost and a residential use would fit in with the character and uses of the area, it is not considered that we would object to the principle of this proposed development.”
- 58 SDC Conservation Officer:
- 59 “Significance

- 60 The site contains no heritage assets, but is close to a number of designated and non-designated heritage assets, which could be harmed through change to their setting. These need to be assessed to determine if harm would arise from the development. The heritage assets identified for assessment are: the Sevenoaks- Kippington Conservation Area; Sevenoaks Eardley Road Conservation Area; the grade II listed Victorian lamp posts that extend along Oakhill Road close to the site; and the nearby locally listed building- Oakwood Lodge 34 Oakhill Road. These are assessed below.
- 61 Assessment
- 62 The Sevenoaks- Granville Road and Eardley Road Conservation Area is located to the east. However, the proposed development is not considered to impact on the setting of this conservation area due to intervening built form and dense boundary planting.
- 63 Grade II listed Victorian lamp posts extend along Oakhill Road, including along the road in front of the site. These structures have an individual architectural and historic interest as examples of late 19<sup>th</sup> Century street furniture, but also derive a group value from their collective positive contribution to the street scene. The late 19th Century suburban character of Oakhill Road makes a high contribution to the significance of these Grade II listed lamp posts. The proposals to develop the site for residential use is not considered to harm the significance of the lamp posts through change within their setting, as it will retain the suburban character of the road and a planted boundary along the road frontage.
- 64 There is one locally listed building close by, Oakwood Lodge 34 Oakhill Road, which sits opposite the site. The building is listed as a late Victorian detached residence. Map regression suggests it may have originally been in ancillary use to a large house (since demolished), perhaps as a coach house or similar. The building holds some architectural and historic interest and represents a good example of the design, materials and craftsmanship of larger suburban residences locally in the later 19th century. It also makes a positive contribution to the character of the conservation area. Similar to the lamp posts, the late 19th century suburban character of Oakhill Road makes a high contribution to the significance of the locally listed building. The development site has no historic relationship with the building, with the large house it served lying to the west. There was previously a large Victorian house on the development site, and so the site was historically developed in residential use as part of the setting of the locally listed building. Whilst the proposals will introduce a larger built form, the design, the material and use of the topography of the site, along with the retention of planted boundary along the road frontage and limited inter-visibility, create a residential use that is not considered to harm the significance of the building through change within its setting.
- 65 The site sits adjacent to the Sevenoaks- Kippington Conservation Area. Due to the proximity of the site, it is considered to form part of the setting of the conservation area. The conservation area was developed from the late 19th century, when roads and expansive residential plots were created from the Kippington Estate. The houses were built following the arrival of the

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railway to Sevenoaks in the 1860s and were individually designed large houses set within extensive grounds to serve wealthy residents.

- 66 These generous plots were further subdivided in the early 20th century, representing the piecemeal development of large detached houses at this time. The variety in plot size, architectural style and materials highlights the organic evolution of this area throughout the later 19th and early 20th century, but unified by the general high quality of the buildings and the suburban character of the green and leafy boundary treatments and gardens. The significance of the Oakhill Character Area lies in its legibility as an outlying, later 19th century suburb of Sevenoaks. The earlier residences and surviving 19<sup>th</sup> century street furniture have a collective architectural and historic interest in understanding the design, materials, layout and craftsmanship of historic suburbs catering to the growing professional classes of the period.
- 67 Whilst the site does not sit within the conservation area, the development of the site has the potential to impact on the significance of the conservation area through change within its setting. The site sits to the east of Oakhill Road, adjacent to the conservation area. The land is undulating, dropping to the north from the site along the road, but also dropping to the east away from the road. As such, the site sits below the road, reducing the visibility of the site and any built form it contains. The site historically contained a large Victorian house, which was demolished and replaced by offices in the 1980s.
- 68 The character of the site adjacent to the conservation area has therefore been one of land occupied by large detached buildings set within mature grounds and screened from the road by mature planting. The current office building does not make a positive contribution to the setting of the conservation area or have any historic interest. The proposal to replace it with a larger residential building will result in more built form within the site, but the design has incorporated multi gables, articulated facades, and high quality materials in the same colour palette as the late Victorian buildings seen in the locality to break up the bulk and massing and respond to local character. The site is well screened and the main visibility will be at the driveway entrance from the road, which has been set to the side of the built form and so does not directly reveal the building. A treed boundary will be retained on the existing treed bank that sits between the road and the lower level of built form within the site. As such, even where the site is viewed within the setting of the conservation area, the treed boundary will still provide screening and glimpses to the building beyond will be to a locally derived materials palette and varied roof form. As such, the development will not affect the ability to appreciate the special architectural or historic interest of the conservation area through change within its setting and therefore will not harm the significance of the conservation area as a designated heritage asset.
- 69 Conclusion
- 70 There is no objection to the proposal when assessed against policy EN4.

- 71 Please condition materials.”
- 72 SDC Trees Officer: objects on the following grounds:
- 73 “In past meetings and discussions regarding the proposed development of this site, I have conceded the losses of much of the trees both at the frontage and the lower plateau adjacent to the rear boundary. This has been in favour of the extensive proposals to carry out new planting which in time would be of greater amenity and would benefit the street scene. I would also to some extent accept that some clearance and replanting on the bank to the rear could take place and indeed be improved with new assorted planting. I have however continually objected to the removal of the more mature and TPO'd trees on the bank especially the mature Wellingtonia (T38). Given the age, condition and amenity benefits that these mature trees offer. I continue to strongly object to their removal. I would much rather see a development that utilises the whole of the street frontage and not build into the site as proposed.”
- 74 SDC Urban Design Officer: “The NPPF states that ‘Development that is not well designed should be refused’ (paragraph 134, 2021). This means that the test is now the achievement of good design and not simply the avoidance of poor design. The Framework also requires all schemes demonstrate compliance with the principles set out within the National Design Guide (NDG) which have broadly been grouped into ten ‘characteristics’ of well-designed places. A previous iteration of the application had been subject to Pre-Application advice and presented to the Design Review Panel.
- 75 The NDG (para 39) states that an understanding of the context should influence the location, siting and design of new developments. The site is located on Oakhill Rd which is characterised by substantial single family homes and the hedging and mature trees creating the backdrop for development. The Arts and Crafts style with bespoke features, interesting detailing and asymmetric designs is common along the road and within the adjacent conservation area.
- 76 Well-designed development should be integrated into its wider surroundings and have regard to the landscape character as stated at paragraph 43 of the NDG. It should influence the siting of new development and consider how natural features, including trees, can be retained or incorporated into proposals. Previously the Design Review Panel, DRP, have noted that the scheme has correctly taken a landscape led approach yet highlighted that the loss of trees and disruption to the woodland should be minimised. A key concern has been the loss of trees and significantly the loss of tree number 38, a mature Wellingtonia. Iterations to the scheme since pre-application stage appear to have made little change to mitigate this and the Tree Protection Plan drawing (January 2022) illustrates that the scheme would see the removal of a substantial proportion of the trees presently on site.
- 77 As noted by the DRP the local area is informal character with private properties set back from the street and largely hidden behind mature vegetation. Recommendations were made to replicate this approach on the site. Fundamental changes to the buildings layout were sought to reflect the

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vernacular approach and again have greater consideration to existing trees on site. The revisions made have improved the offering in terms of the impact of the proposal on the street scene. Beyond this the setting back of the central massing of the development does break up the continual massing within the street scene from oblique views. Notwithstanding this the use of buff brick to the principal entrance bay jars with the rest of the elevation and draws unfavourable attention to the linking section of the development. This could be dealt with via a pre-commencement condition.

- 78 The schemes refinement has taken account of comments made previously by the DRP in relation to the request for greater variation in height, form and materiality and there are design cues that could be seen to be broadly inspired by the Arts and Crafts buildings. Though asymmetry has been exploited, other than the large central set back, the asymmetry is 2D in appearance and only present on the eastern elevations of the scheme. A considered approach should see setbacks of at least 1.5 metres between parts of the building with different roof lines for example. The southern elevation of the proposal as shown in 'view one' on page 52 of the DAS is perhaps even more prominent than the eastern elevation when approaching the development from the north. The elevation lacks depth or interest and the approach taken on the eastern elevation has not been carried through
- 79 The configuration of the new electrical substations has not previously been considered. The existing substation has closed board fencing that has greened and could benefit from replacement. The key issues identified in relation to this aspect of the scheme are the materials proposed and the increased visual prominence of the built form directly abutting Oak Hill. The use of various bricks, bronze metal cladding and wooden louvres may well reflect the current proposed building however it creates undue attention to the built form that is necessarily located in this position. No reason is provided for the location of the new plant and why it cannot be set back from Oak Hill Rd. Ideally it would be sited behind the existing plant and set back 700mm away from the footpath to allow the inclusion of hedging and with access to the plant being from within the site. Any materials used should blend into the landscape and lead to the built form being as discreet as possible.
- 80 In line with paragraph 126 of the NDG well-designed homes should provide a good standard and quality of internal space as well as sunlight, daylight and ventilation. This is a significant issue that needs careful attention to detail in higher density schemes. . There are concerns in relation to the results of the report that highlight that adequate light levels would not be present at points in some of the apartments. Beyond this, the report does not appear to have modelled any of the significant canopy. BS EN 17037:2018 and BS 8206-2 do not provide any particular guidance on trees, but BS 8206-2 recommends that the ADF values should be exceeded in both the summer and winter to be considered adequate. It would therefore be reasonable to surmise that the BS EN 17037:2018 target illuminance should also be exceeded. For example Table H1 within Appendix H of the BRE Guidelines provides some transparency values for both full leaf and bare branch trees. A sycamore transparency value in full leaf is 20% and bare branch is 60%. It is accepted that trees can provide beneficial shade and offer passive cooling

to any given area however without sufficient baseline evidence the balance of these benefits cannot be assessed against any potential detrimental harm to the light levels within the proposed units.

- 81 In terms of a limited access to any direct sunlight apartments 14, 18, 30, 34 and 53 cause concern as they are single aspect north facing units with projecting bay windows that would not offer any significant eastern or western light entering the apartments. Apartments 17, 26, 33, 43, 49, 52 and 56 are to a lesser degree also compromised due to their locations within the development and limited east or west aspects when compared to the surrounding built form to the south of these units. It is appreciated that the configuration of the building may well lead to such compromises, using a H shaped block however this is suggested to be a reason to potentially deviate from the layout proposed and undertake a more bespoke approach with smaller clusters of development across the site.
- 82 The use of the bronzed railings is appropriate in appearance, but residents tend to retrofit privacy screening which creates a cluttered and ad hoc elevation. In light of this, it is suggested that a condition should be added to seek an alternative finish for the balcony.
- 83 For a scheme of this size and as suggested previously by the DRP and the Council the inclusion of communal areas such as a gym or shared function room would be beneficial. This would also assist in creating a more sustainable proposal and could create a greater sense of community in line with the general emphasis of the NPPF and NDG.”
- 84 SDC Housing Officer: “As a scheme comprising 69 homes, we would normally expect the application to provide 40% on site affordable housing, as per local policy. However it is noted the applicant is claiming there is insufficient viability to provide a policy compliant level of affordable housing. As set out in the Affordable Housing SPD 2011 (and accompanying policy update 12/2021), the viability of the scheme therefore requires independent testing.”
- 85 SDC Environmental Health Officer: No objection subject to conditions:
- 86 Contaminated Land
- 87 Having reviewed the document entitled ‘Phase II Geo-environmental Report’ (dated February 2022) [produced by JNP Group] I find the report, methodology and findings to be reliable. I therefore recommend that any permission granted is in accordance with the report. The applicant shall submit a remediation strategy for approval in writing to the local planning authority detailing methods to remediate the land of identified PAH contaminants. Following implementation of the approved remediation strategy, the applicant shall provide a validation report with supporting documental evidence such as photographs, waste transfer notes and certificates. Suggest the following condition:
- 88 The developer shall implement a watching brief whereby if any indication of contamination is discovered during earthworks, work is to cease

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immediately and a remediation strategy submitted to the local planning authority for approval.

Reason: To protect the health of site workers

### 89 Noise

Having reviewed the document entitled 'Planning Noise Assessment | Report 206/0187/R1' (dated 24<sup>th</sup> March 2022) [produced by RSK acoustics] I note the main identified noise source is the railway line immediately to the East of the proposed development site. The consultant has opted to assess the impact from train noise using the measured LAMAX. I feel this method does not truly represent the potential impact from passing trains and request that the applicant makes an assessment to consider the SEL, and to produce recommended mitigations to achieve the internal noise levels details in BS8233:2014.

### 90 Plant - Plant noise levels shall be restricted to 30dBA at the façade of the nearest sensitive receptor.

Reason: To protect the amenity of future residents of the proposed development

### 91 Vibration Testing

### 92 Prior to first occupation of any of the dwellings, a verification report to include vibration testing shall be submitted for approval to the local planning authority to demonstrate that Vibration Dose Values are in accordance with those predicted in the RSK Acoustics 'Railway Vibration Assessment' report (dated 16<sup>th</sup> May 2022), that they do not exceed 0.4 ms<sup>-1</sup>.75 during any 10 minute period during the daytime (07.00 - 23.00 hours), and do not exceed 0.2 ms<sup>-1</sup>.75 during any 10 minute period during the night time (23.00 - 07.00 hours).

Reason: To protect the amenity of local residents

### 93 Thames Water - No objection raised, request piling method statement as works is near to sewer infrastructure.

### 94 South East Water - No response

### 95 Kent Wildlife Trust - No response

### 96 NHS West Kent - No response

### 97 South East Coast Ambulance Service - No response

### 98 Kent Police - Designing out Crime Design:

Recommend that the development should conform to secure by design initiative.



## Representations

99 We received 126 written representations objecting to the proposal:

- Highway Safety;
- Traffic Congestion;
- Out of character;
- Overdevelopment of site;
- Loss of trees;
- Insufficient Infrastructure;
- Overdevelopment of the site;
- Increased vehicle movements;
- Increased pollution;
- Increased noise;
- Inappropriate scale and height of building;
- Impact upon landscape quality;
- No affordable housing;
- Insufficient parking;
- Pollution risk to surrounding properties;
- Loss of green space;
- Management of construction during development;
- Inadequate public consultation;
- Inappropriate scale and mass;
- Dominant form of development;
- Loss of privacy;
- Affect property prices;
- Sets a precedent;
- Impact upon wildlife;
- Conflict of interest with Council owned land;
- Contrary to Policy EMP1 of the ADMP
- No fall-back position for permitted development exists;
- Re-use of the existing building is more cost effective;
- Serious Flaws - tilted balance is outweighed due to cumulative harms - social, economic, environmental of the proposal;
- Question the propriety of the decision making process;
- Loss of employment space;
- Contrary to the emerging Neighbourhood Plan;
- Over reliance on the use of public parks;
- Increase need for servicing and delivery to buildings;
- Impact upon the setting of heritage Assets;
- Loss of wildlife corridor;
- Loss of screening.

## Chief Planning Officer's appraisal

100 The main planning considerations are:

- Principle of Development
- Housing Size and Type

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- Density
- Affordable Housing
- Impact to the design and character of the area
- Impact upon heritage Assets
- Impact to amenity
- Impact to Highways and Parking
- Impact to Trees and Landscaping
- Impact to Biodiversity
- Drainage and Flooding
- Fire Strategy
- Tilted Balance
- Community Infrastructure Levy
- Other Issues

### Principle of Development

- 101 As set out in Section 36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For Sevenoaks, the Development Plan is made up of the Core Strategy (CS) and Allocations and Development Management DPD (ADMP). National Planning Policies, such as those contained in the National Planning Policy Framework (NPPF) are material considerations.
- 102 This application proposes 69 residential units, which would make a positive and valued contribution to the District's Housing Stock.
- 103 The adopted Sevenoaks Core Strategy and ADMP planned for the delivery of 3,300 homes over the period 2006 to 2026 with the main site allocations being located around the urban areas of the District and on brownfield land.
- 104 Paragraphs 74 - 76 of the NPPF require the Council to identify a five-year supply of deliverable housing sites, including an appropriate buffer. As the result of the Housing Delivery Test for 2020 was 70%, the NPPF considers this as a significant under delivery of housing over the previous 3 years, and requires the application of a 20% buffer in line with para 74c). Furthermore, as the Core Strategy (2011) policies are more than five years old, the standard method figure for housing need must be used in place of adopting housing requirement for calculating the five-year housing supply. As a result of these factors the Council cannot currently demonstrate a five year housing land supply.
- 105 As acknowledged in the Council's Housing Delivery Test Action Plan, the five-year housing land supply calculation finds 2.9 years of supply of deliverable housing sites including a 20% buffer. Therefore, the lack of five-year housing supply is a significant consideration that the Council will have to balance with this application.
- 106 As the Council cannot demonstrate a five-year housing land supply at this time, it is considered appropriate and welcome that the site accommodates

a number of dwellings to meet the Council's needs, subject to the other policy considerations discussed in turn below.

- 107 The implications of the 'tilted balance' described in paragraph 11 of the NPPF is discussed above, whilst we will consider the balance of the case later on within the report.
- 108 Paragraph 120 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and also to promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 109 Further to this Paragraph 124 (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.
- 110 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'.
- 111 The application site currently resides a two storey building with associated hardstanding with woodland to the rear of the site. The site is considered in part to represent previously developed land. Due to the location, development is required by the NPPF to make efficient use of said land. Further to this, the location of the development is within an established residential suburb within the built confines of Sevenoaks, which is a strategic location for new housing and is supported by the necessary infrastructure.
- 112 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.
- 113 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. There is nothing in current local plan policy to preclude this nature and scale of development. There is no actual text in either policy which would be breached by the development. Indeed, there is positive support for the principle of development as it is part previously developed land. The proposal would comply with Policy LO1 of the Core Strategy bearing in mind

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that the spatial strategy's key aim is to meet development needs whilst protecting areas of the highest importance (including Green Belt and AONB's). This is precisely what this scheme does.

- 114 The application site is located in Sevenoaks, 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.
- 115 The proposal would provide new residential accommodation providing 69 units, in a location where main existing land uses is predominately residential.
- 116 Policy SP8 of the Core Strategy and EMP1 (d) of the ADMP applies to this site and seeks the retention of employment sites for B1/B8 uses and expects applicants to show that the site has not been successfully marketed for at least a year, if it is proposed to use the existing building for another purpose or comprehensive re-development.
- 117 No marketing information nor forecasting assessment has been submitted and therefore there is a clear conflict with Policy SP8 of the Core Strategy and EMP1 of the ADMP. However, however the applicant has advanced a case that there is re-development opportunities for the building for alternative uses due to the previous prior approvals given by Schedule Two, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- 118 Third Party comments have questioned the justification for use of the Berkeley House site, which is currently identified as an employment site in the Local Plan, for residential development. The comments question the validity of the fall-back position of the previous prior approvals which forms part of the rationale for allowing its use for residential purposes.
- 119 However Berkeley House is anomalous to Oakhill Road which is an otherwise exclusively residential (private) road outside any designated town centre location. Its redevelopment for residential purposes is therefore more appropriate to the location.
- 120 The site has limited ongoing value for office purposes as set out the applicant's representations to the SDC Local Plan Call for Sites; the office market in Sevenoaks is changing and the site should no longer be protected for office use, which is also supported by SDC Planning Policy.
- 121 Therefore and as a matter of planning judgment, its use for residential purposes can be considered acceptable due to these material considerations which outweigh the site's protection for office use. It must also be recognised that the site's employment designation is out of date due to the age of the Local Plan. It must also be recognised that the district has a desperate need for housing which is a further material consideration that can justify its development for residential purposes despite its designation in the Plan.

- 122 Furthermore, and despite the expiry of the most recent Prior Approval for conversion of the building to residential under Class O of the Town and Country Planning (General Permitted Development) Order (the 'GPDO') the site could benefit from new Permitted Development Rights (PDR) under Classes MA and Class ZA which would enable its conversion or redevelopment for residential use. These 'permitted development rights' represent potential 'fall-back' positions that indicate whatever the outcome of the current planning application there is a likelihood that the site's use as office would be extinguished, or at least dramatically reduced to which moderate weight can be given to in its consideration.
- 123 SDC Planning Policy have commented and have raised no objection in regard to this loss of this site, due to the current trends in the employment space market and given the previous planning history of the site with obtaining 'Prior Approvals' for certain residential schemes (even though the prior approvals have now expired).
- 124 Third comments that have been received seek to undermine the fall-back position on a number of grounds, including that no extant Prior Approvals exist for the fall-back developments. The applicant's Planning Statement sets out in detail that following the Court of Appeal's judgment in *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314 that it is a matter of judgment for a planning authority to decide whether a fall-back position exists and what weight may be applied to it in reaching a planning decision. The judgment makes clear that it is not necessary for a Prior Approval to be in place, only that there is a 'real prospect' of the fall-back development occurring. This is also a matter for planning judgment.
- 125 The comments also point out that the existing building exceeds the 1,500sqm threshold limit set out in Class MA for conversion of office buildings. *Mansell* is also relevant in this matter; it addresses the fact that a building may be subject to a partial conversion up to the floorspace limit. The Explanatory Memorandum that accompanies Class MA confirms this at paragraph 7.7:
- 126 "No more than 1,500 sqm of floorspace in any building may change use. Part of the building may change use under the right, including where the lower floors are in Commercial, Business and Service use and the upper floors residential"
- 127 Therefore, at Berkeley House, a Class MA conversion under permitted development could be done up to 1,500sqm with the remaining 179m<sup>2</sup> retained as a small office (which may later be converted to further residential via a planning application once the conversion of the remainder of the building was complete).
- 128 The comments also reference a recent High Court judgment *Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWHC 208 (Admin) which they claim undermines the fall-back position in *Mansell*. Leaving aside that *Cab Housing* is a first instance decision of the High Court and can therefore not over-rule a Court of Appeal decision, such as *Mansell*, the objector takes the decision out of context.

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Cab Housing is very firmly focussed on how to interpret the scope of the Prior Approvals process for those permitted development rights for 'upwards extensions' (Class AA etc.). It does not comment on the validity of permitted development rights as a fall-back position in any respect. It is therefore it not appropriate to use this in this context.

- 129 It is noted that under The Town and Country Planning (Use Classes)(Amendment) (England) Regulations 2020 that, as a building in lawful Class E use, Berkeley House could be converted to any other use within Class E without any planning permission or Prior Approval whatsoever. Such uses could include a retail shop or supermarket, restaurant, nursery, medical centre, gym, climbing centre, or any combination of the above. There are therefore myriad alternative lawful uses that would all result in the loss of the site for office purposes and further indicate that its protection for that use is senseless when it could instead be delivering residential development which is more appropriate to the location and would contribute to addressing the acute housing need.
- 130 Based on the specific and distinctive circumstances of this case, for the reasoning above, it is considered that departure from policies SP8 of the Core Strategy and EMP1 of the ADMP and the loss of this employment site is justified in this instance.
- 131 Therefore, the principle of the redevelopment of this brownfield site is acceptable in line with policy LO1 of the Sevenoaks Core Strategy.

### Loss of Open Space

- 132 Third party representations disputes applicants assertion that the open space is not functional and its use as local community space, that provides provision of an important tree canopy and as a valuable break between developments, a buffer with the railway, and a pleasing setting to Oakhill Road/ attractive landscape setting to the railway and from public views to the east (including the Granville Road Conservation Area). Regarded by local residents as important part of the verdant character of this locality.
- 133 Furthermore the representations cites that development encroaches into the open space allocation and would conflict with development plan policies and that further biodiversity enhancements can be achieved through CIL receipts.
- 134 It is understood that a detailed site analysis was undertaken which included a review of background assessments carried out this Council as well as the technical assessments undertaken by the project team. For example, as set out within section 7 of the Planning Statement (7.19-7.35), this included a review of the Allocations and Development Management Plan, Appendix 9 (Schedule of Open Space Allocations), the Open Space, Sport, and Recreation Study (2016-2035) and the Fields in Trust 'Guidance for Outdoor Sport and Play beyond the Six Acre Standard - England'.
- 135 The open space to the rear of Berkeley House is identified within the Allocations and Development Management Plan, Appendix 9 (Schedule of

Open Space Allocations) as Natural and Semi Natural (NSN) space (Site 337). Site 337's NSN open space totals a plot of 2.87 ha, however, only 0.81 ha of this undeveloped land relates to the application site area, and of this, only 0.06 ha is proposed to be developed (built form and hard landscaping). Therefore, the amount of incursion into the open space is minimal approximately 629m<sup>2</sup> or 7.9% of the designation. As a result, the vast majority of this designated area will be retained and will still act as a vegetation buffer and a break between development despite some trees being felled and a small portion of the space being developed. Nevertheless, this modest incursion onto the open space will enable the development to deliver approximately 10 more homes, which weighs heavily in the balancing of impacts against benefits. This is especially important as 93% of the district is in the Green Belt meaning it is constrained in its ability to provide new housing, instead relying heavily on brownfield sites. Further to this, the woodland walk will allow the open space to be utilised by residents and it will add value to the open amenity space for generations to come.

- 136 The open space does contribute to the visual amenity of Oakhill Road when viewed from the eastern (town) side of the railway line. However, the majority of trees within the open space will be retained, and the woodland will be managed, and as such the contribution that the open space makes to Sevenoaks will be retained in the long term.
- 137 The open space to the rear of Berkeley House consists of mature, broad-leaved, deciduous woodland which has dense coverage that is extremely uniform and dark.
- 138 By managing the land and introducing more species of varying sizes and forms, the biodiversity net gain is increased by approximately 45% along with a large overall increase in contribution to Sevenoaks' green space, ecology, and wildlife. Despite having large trees, the biodiversity on the site is not fulfilling its full potential value due to its low biodiversity count with a lack of variety in wildlife and flora. The landscape led strategy and woodland walk as proposed would seek to improve the existing provision whilst providing amenity for residents.
- 139 Upon considering the above, the small percentage (7.9%) of the allocated open space would be lost by the incursion of the development, would be outweighed by the potential benefits the scheme would bring by proper management of the wooded area and perceived biodiversity enhancement to the area as well as providing additional dwellings to which affords significant weight in its consideration. The open space, even though would be used for amenity purposes for the occupants of the development, still it would bring positive benefits despite the objections raised by third parties. The issues raised in relation to the use of CIL receipts to provide enhancements, is possible, however there is no scheme proposed at present, which for the previous reasons, this would be outweighed by the significant benefit the scheme would bring.

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### Housing size and Type

140 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

141 The guidance states that an average of 50% 2 bedroom units across all developments. The proposal seeks the creation of 69 residential units. These would be broken down into:

13 x 1 bedrooms

31 x 2 bedrooms

25 x 3 bedrooms

142 The proposal would not meet 50% of all units comprising 2 bedrooms, however this is set as a general average across the district and this development would provide at a level of 45%. Notwithstanding this, the development would be located in the urban area with links to public transport and the provision of units as sought after would be appropriate to the location.

143 The proposal would overall reflect the housing size and type required by policy SP5 of the Core Strategy.

144 Overall, the proposal would seek the redevelopment of previously developed land this urban area location. The housing type reflects the requirements of the District.

145 The proposed development would be considered principally acceptable, subject to other material planning considerations against policies LO1 and LO2 of the Core Strategy.

### Density

146 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 40 dwellings per hectares (dph). The policy recognises that development that fails to make efficient use of land for housing may be refused permission. Furthermore, it does also express that



in suitable locations near to Sevenoaks Town Centre, higher densities will be encouraged.

- 147 The density figure of 40dph is a base line figure i.e. development should at least meet 40dph 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.
- 148 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 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.
- 149 Paragraph 125 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’.
- 150 The proposed development would result in an approximate density figure of **54dph** for the application site as a whole (including the open space area). Against the design criteria the proposal is considered of good quality design and as such the density is considered appropriate for this location. The density provides additional housing in a sustainable location. The proposed density ensures a high density in accord with the Districts aims of protecting the high value countryside.
- 151 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.

### **Affordable Housing**

- 152 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.
- 153 The proposal does not seek the provision of affordable housing units. The proposal would not comply with policy SP3 of the Core Strategy. However, paragraph 58 of the National Planning Policy Framework allows for viability assessments to be submitted with applications for a lesser/nil provision.
- 154 Paragraph 64 of the NPPF states that:

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“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.”

- 155 The submitted Viability assessment has been assessed and verified by an independent assessor, in accordance with National Planning Practice Guidance. The outcome of the viability assessment has demonstrated that the development cannot provide affordable housing on this site or provide any off site affordable housing contribution. Our independent viability review also agrees this outcome. Therefore in this instance, it has been proven that nil affordable housing provision is accepted, to allow the development to proceed.

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

- 156 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.
- 157 The application site has a relatively strong sense of enclosure and low level of inter-visibility with the wider area, due to the presence of surrounding mature woodland block and with good screening of vegetation fronting onto Oakhill Road.
- 158 The existing office building itself is considered to be uninspiring and very much of its time and offer nothing positive in townscape terms. Upon considering this the loss of this commercial building and its replacement with purpose built flats would not have an adverse impact upon the character and appearance of the locality.
- 159 The proposal seeks full planning permission for a proposed residential development of 69 units with associated access and landscaping, its design has been dictated by the developable area, size and the existing topography within the site. Whilst there is no predominant architectural style dominates the adjacent Conservation Area, it is noted that the common theme of architectural styles of build form relate to Arts and Crafts, asymmetric designs, large detached plots and the wide range of differing materials.
- 160 The overall proposed design of the scheme has been considered taking architectural themes within the locality to produce a design that adopts characteristics of Arts and Crafts vernacular incorporating asymmetry and informality, without resorting to pastiche, and breaks down the mass further with setback and detailing the use of variety of materials.
- 161 The ground level upon the frontage of the building sits below Oakhill Road in part and would be partially screened behind mature trees and foliage. This frontage will have a set-back central section which will be the primary entrance into the building. It has three elements, 2 gable ends with a

- setback interlinking wing. This breaks up the massing in its frontage and would be seen as three differing elements. The use of differing materials assists in breaking up the massing of the building.
- 162 The south elevation steps down along the slope, with the top floor set back behind a parapet. The north elevation is characterised by the lack of balconies, and a staggered form. The building itself stepping down from west to east with the upper levels set back to reduce the massing of the building further.
- 163 The east, rear facing elevation would be seen as a cluster of buildings and also have a staggered appearance, with the pronounced setbacks on the top floor of the building. This too assists in breaking up the massing of the development. The proposed materials to be used is accepted, as the differing use and colour tones of bricks assists in breaking up the massing of the building together with the use of setbacks, that create relief and further shadow profiles.
- 164 The overall proposed design has a sense of transition as the building utilises the existing land form whereby it would be four storey in height to its front and as the land lowers, the height of the building increases to five/six, with the lower elements being made partially subterranean.
- 165 In terms of the incorporation of a new ancillary substation that fronts onto Oakhill Road, the proposed configuration has been dictated by the siting of the existing substation. Despite the concern raised by the Urban Design Officer, the proposed upgrade the substation to a double transformer and the two sets of double doors to this plant are to face on to Oakhill Road to provide maintenance access, as required by UK Power Networks. The existing closed boarded fencing will be replaced with brick and is considered to be a visual enhancement, together with further planting.
- 166 It is noted that the development of the scheme proposals has been landscaped; the layout and design of the development and the supporting landscape strategy incorporate a number of measures to reflect the character of the local area and mitigate potential landscape and visual effects of the proposals. As such it is considered that the detailed landscape strategy is deliverable and would integrate with the landscape structure of the area, as supported by guidance within the Residential Character Assessment.
- 167 With regard to landscape effects, the proposed development would allow the retention of the key landscape features within and adjoining the site which currently contribute to the local landscape character and visual amenity. Furthermore, the introduction of new tree and shrub planting across the development area within proposed open spaces, along the internal accesses would also be beneficial to the character of the site.
- 168 It is accepted that the proposed development would result in the loss of a section of open space and trees. Plainly the introduction of a new development would reduce the sense of openness in the immediate locality. However, the intrinsic character and beauty of the wider street

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scene would not be unduly harmed by the scheme. There would be an adverse effect on the site itself of medium magnitude, reducing to medium-low over time as the proposed landscape framework matures. The introduction of the enhanced landscaping and ecological improvements would safeguard the verdant character of the area for the long term. The site is of relatively low landscape and visual sensitivity and the proposed development would result in limited and localised harm to the wider character and appearance area. Consequently, the conflict with Policy EN1 of the ADMP carries little weight in the planning balance.

- 169 In terms of visual effects, due to the existing enclosure of the site by vegetation and existing built development together with the additional enclosure which would be provided by proposed planting, few views or visual receptors would be significantly changed by the proposed development. Notably, there would be no significant changes to the views and general visual amenity experienced by people travelling through the town. The key views and visual receptors that would be significantly changed by the proposed development are the surrounding private residential properties.
- 170 It is considered that the proposal is well conceived response to the application site in terms of its layout. The built form have been composed in a way that responds appropriately to the prevailing context and the height of the building would not be excessive. The individual residential units would provide a high standard of accommodation. As a result, the scheme would make very efficient use of the site, and certainly much better use than any previous GPDO fallback or any future proposed GPDO fallbacks. On top of that, the site would become permeable, with the added benefits of a woodland walk and further biodiversity enhancements.
- 171 On balance, while the development is an increase in height, bulk and massing, when compared to the former building, it is considered that the approach is sympathetic to the both the landscape setting and the local character, whilst making efficient use of this brownfield site as required by the NPPF.

### **Impact upon Heritage Assets**

- 172 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.
- 173 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.
- 174 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.

- 175 The NPPF also states that great weight should be given to the conservation of heritage assets.
- 176 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.
- 177 It is noted that the development is not within the Kippington Conservation Area but adjacent to it. Furthermore the building within the site is not listed, however there are listed building nearby namely the grade II listed Victorian lamp posts that extend along Oakhill Road and the nearby locally listed building- Oakwood Lodge 34 Oakhill Road. It is not considered that Eardley Road and Granville Conservation Area setting would be impacted by the development, due to the intervening tree belts and built form limiting/obscuring views, therefore its setting would be conserved. The Conservation Officer has raised no objection to the proposal that the significance and the setting of the Grade II listed lampposts would be unaffected by the development, as the development seeks to retaining the suburban setting of the area.
- 178 34 Oakhill Road, is situated opposite the site and is locally listed as being a late Victorian, large detached dwelling that is a good example of the typical craftsmanship and design of its time. The Conservation Officer considers that this locally listed building would not be unduly impacted by the development, as the development site, has no relationship with this locally listed building and that significance would not be harmed and therefore its setting would be conserved.
- 179 In terms of the impact upon Kippington Conservation Area, the Conservation Officer considers that the development could have the potential to impact upon the significance of this heritage asset. It is agreed, at present that existing office building within the site does not make a positive contribution to the character and appearance of the area. The Conservation Officer also comments that the proposal would create additional built form within the site but also notes its design, use of the vernacular and that the development is set-back from the road and will ensure a good landscaped screening to its frontage. With this together with the changes in topography results in a development that would not have a resultant impact from long range within Oakhill Road itself, but only in close quarters. As such it is agreed with the Conservation Officer that the proposed development would have a limited impact upon the significance of the conservation area and that of its setting. As the development is not within prominent within any vista within and outside of the Conservation Area, due reasons previously mentioned, its impact will not affect the ability to appreciate the special architectural or historic interest of the conservation area through change within its setting nor that of its significance and is preserved as such. The proposal would accord with Policy EN4 of the ADMP and guidance in the Sevenoaks Residential Character Area Assessment.

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- 180 Third party representations have been received stating that the development would have a negative impacts upon the identified heritage assets, however for the above reasons, the development would have a minimal impact upon the identified heritage assets.

### Impact to Amenity

- 181 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 182 The applicant submitted a Daylight & Sunlight amenity study as part of the submission. The assessment was conducted in accordance 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.
- 183 It is also important to reflect on paragraph 125 (c) of the NPPF  
'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)'.
- 184 The proposal would make efficient use of land 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 this location.

### Sunlight/Daylight:

- 185 The submitted daylight and sunlight analysis indicates that there will be limited impact on the surrounding properties arising from the proposed development, namely a windows of nos.34 and No.5 Oakhill Rd and its rear garden area. The results of the analysis show that the neighbours most properties satisfy the target requirements of the BRE Guide in terms of daylight and sunlight in the proposed situation with no significant adverse material effect, however there are some notable reduction to light to these properties, but not significant to justify a reason to refuse the application.
- 186 Overall, the proposed development complies with BRE Guidelines and will not cause a significant impact to daylight and sunlight access for the surrounding buildings and the amenity space within its vicinity.

### Privacy:

- 187 Historically As a general rule a distance in excess of 21m was considered sufficient to prevent significant loss of amenity, however the National Model Design Code reduces minimum privacy distances to 15 - 20 metres.
- 188 Third party representations have raised objections that the development would cause loss of privacy to adjoining occupants. Consideration has been given to this and overlooking could be an impact upon no. 5 Oakhill Road especially from part of the north facing windows of the development that serve units 14, 30, 31, 49, 50, 64 and also from balconies areas. The closest window to no. 5 is approximately 14m from the rear amenity area of No.5 however this view is an oblique one. Other direct views can be sought by the proposed balcony areas proposed to the east facing rear elevations, however this issue can be addressed by the use of privacy screens to the north facing ends of the balconies of units 14, 30, 31 49, 50 and to the rear patio area of no. 64. Furthermore, overlooking from these areas are reduced the retention and strengthening of the existing landscaping to the northern boundary of the site.
- 189 Even though there would be a notable perceived overlooking issue to the rear of no.5 Oakhill Road, even though there is some harm to the occupiers of this property it is not significant to justify a reason for refusal.

Outlook:

- 190 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 principal habitable rooms. Views of the proposed development would be visible from both street and to a lesser degree from the other side of the railway embankment.
- 191 The separation distance ranges from approximately 33m and 22m to frontages of nos. 32 and 34 Oakhill Road. The development would be seen from those properties immediately opposite the site, however it would not be seen as a significant visual intrusion to justify a reason to object, as those properties have intervening boundary treatments as well as the proposed mature tree screen proposed to the front boundary of the site.
- 192 Proposed amenity for future residents
- 193 Again paragraph 125(c) of the NPPF must be considered when considering the proposed light values for the development.
- 194 All the residential units proposed would meet or exceed the minimum space standards.
- 195 The analysis shows that the proposed development would provide either expected or above daylight and sunlight to habitable spaces across the development with an overall adherence rate for Average Daylight Factor is 94%, which high for sites within suburban areas. Further to this 84% of the proposed units are dual aspect and ensured that there are no single aspect north facing units.

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- 196 A number of the proposed flats would have balconies to act as added amenity space. Further, an open communal space would be located centrally within the development itself. The space would provide a 'courtyard style of amenity space and would be subject to soft planting and open seating together with the woodland walk being created to the rear of the site.
- 197 The Environmental Health Officer comments with regard to the submitted Noise and vibration assessments. The Environmental Health Officer is comfortable that the issues with noise and vibration can be dealt via the imposition of an appropriate conditions.
- 198 The Urban Design Officer has made remarks on the use of BRE Sunlight and Daylight guidance that it has been updated since June 2022. This is acknowledged as being correct, however the development has been designed using the previous guidance. That said, as previously mentioned that the proposed development still provides a good level amenity for the occupants. The officer makes reference to two different British Standards, which are reflected in two different editions of the BRE guidelines. At the time of the assessments and design work being undertaken, prior to planning submission in late February 2022, consultants, developers and many local planning authorities were still assessing schemes using the second edition of the BRE Guidelines (2011), despite the recent update to the British Standards in 2018. BS 8206-2 makes reference to the Average Daylight Factor (ADF) assessment, which is the assessment and its related target values the applicant has used when carrying out the design work for this scheme. The third edition of the BRE Guidelines (2022) was released on 09 June 2022, after the application was submitted at the end of February 2022, and includes the new assessments as referenced in the BS EN 17037:2018. It is therefore reasonable and accepted that the assessments undertaken were in line with the BRE second edition.
- 199 In terms of the third party representations, it is considered that the proposed development would not give rise to significant noise or pollution levels from new occupants and vehicles to a significant degree to justify a reason to object.

### Summary:

- 200 Overall, despite the Urban Designer's comment and consideration of the third party representations, the proposed development would retain good amenity for residents given the context of the site and flexibility of policy in regard to these matters. The proposal would provide amenity spaces and a level accommodation that would be acceptable. Conditions would be applied to any grant of consent with regard to noise and privacy issues.
- 201 Overall, the proposal would comply with policy EN2 of the ADMP.

### Parking and Highways Impact



- 202 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.
- 203 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.
- 204 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.
- 205 Paragraph 111 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’.

Traffic Assessment:

- 206 The junction of Oakhill Road and London Road has been assessed considering traffic flows and local development. KCC Highways consider that the proposed development would not have a severe impact on the operation and capacity of this junction, despite the representations of third parties to whom have disagreed with the findings of KCC Highways and that of the applicants subject matter expert.

Vehicle parking:

- 207 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.
- 208 The site is located on the edge of town centre location and 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 northeast of the site.
- 209 The proposal seeks to provide 78 car parking spaces for the proposed residential accommodation to which it is acknowledged that the car parking provision does conform to relevant car parking standards. KCC Highway Officer raises no objection to this element of the proposal.

Cycle parking:

- 210 Current standards requires a minimum of 1 cycle space per unit for flats. The proposal would provide 76 cycle spaces which would exceed the minimum requirements of the policy. The proposed development would

## Agenda Item 4.1

secure sufficient cycle provision. A condition would be attached to any consent to ensure the cycle parking provision.

- 211 Therefore, the scheme will exceed its cycle provision and assist in providing alternative modes of movement.

### Electric Vehicle Charging provision:

- 212 Policy T3 of the ADMP seeks electric vehicle charging provision to be present in new development. The proposal seeks to provide at least 16 active electric charging points for residents with the provision of further infrastructure in place for the number of charging points to be expanded at a future date. The charging provision can be secured by planning condition and would comply with Policy T3 of the ADMP.

### Construction phase:

- 213 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.
- 214 Representations have been received that should consent for development be given, the management company responsible for maintaining the road with pursue further legal proceedings. On considering this, this might be the case, however this is a civil matter between parties and not a valid planning reason to object on this ground alone.

### Refuse and servicing

- 215 Servicing and refuse collection will be undertaken within the site. Operators will collect bins which will be collected from within the site approximately 11m from the road side. Roadside refuse collection already operates within Oakhill Road and therefore the proposal would not alter this existing arrangement.
- 216 Any servicing or deliveries to the building, a dedicated off-street area is provided within the scheme to allow operator to park on-site and not to create obstruction within Oakhill Road. It is noted, that a number of third parties representations has raised this as an issue, with increased deliveries etc. however with the provision of an on-site servicing area, together with no objection raised by KCC Highways, it is considered that a reason to object cannot be sustained on this ground.

### Summary:

- 217 The third party representations received have commented that the development warrants the provision of a secondary emergency access and the associated traffic generation would have consequential impacts upon Oakhill Road and the wider area. Further to this no road safety audit has been undertaken.

- 218 It has been determined by KCC Highways that no road safety audit for this site is necessary. Furthermore a secondary emergency access would not be required in this instance as the principal access from Oakhill Road.
- 219 Paragraph 111 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. KCC Highways nor National Highways have raised no objection to the proposal. The proposal is considered to comply with highways and parking policies EN1, T1, T2 and T3 of the ADMP, subject to condition.

### **Trees and Landscaping**

- 220 Currently the site is subject to landscaping with replacement trees planting proposed on the frontage of the site and that trees are still the prominent feature to the rear of the site, despite the felling of trees to the rear of the site.
- 221 In the present case the proposal requires the removal of 49 trees, one of which is a well-established Wellingtonia tree (tree number 38). The proposed tree removal is necessitated in order to create the access to the site for the development. It is noted that there is limited visibility of the Wellingtonia tree from public places given the various obstacles in the way. It is accepted that the tree could be depicted with difficulty as an individual tree from the road, particularly when in a car, that the views are fleeting, and that it has very limited amenity value. Therefore its loss would not impact on the reasonable enjoyment of the public.
- 222 It should be noted that the proposed scheme would retain 42 of the 91 trees currently on the site which equates to 46% of the existing trees. Despite this in consideration of the Urban Design Officer comments, the scheme would plant an additional 62 trees of various sizes and species, in particular heavy stock trees being planted to the frontage of the development. It is considered that the proposed development would go beyond what would normally be expected by way of mitigation, as there would be a net gain in trees and other associated benefits with proper management of the site and further ecological enhancements.
- 223 Policies relate to biodiversity and green infrastructure. The landscaping proposals for the development would clearly comply with both of these policies. They deliver a strong landscape framework which would make a positive contribution to the local green infrastructure by improving managing the existing woodland with the introduction of new soft/tree planting and creating new habitats and increasing the tree cover within the site.
- 224 The footprint of the proposal allow to retain the high quality Wellingtonia, tree 46. Further to this, the podium set-back has also allowed the retention of trees 63 and 65. Within the proposal, trees T8, T21 and T22 will be removed, however, all of which are of low suitability for roosting bats. Additionally, the high-quality trees 38, 44, 45 and 86 will be removed due to

## Agenda Item 4.1

their location in the centre of the Site. Despite this, the site retains a generous tree cover alongside an optimised site. The tree loss will also be offset by the planting of new and replacement trees as well as the woodland enhancement works.

- 225 'The woodland walk' would be located to the rear of the development and will allow additional amenity space for occupants. This also allows for additional soft landscaping. Although not in direct public view, the space would add to the quality and verdant character of the proposal.
- 226 Soft landscaping also forms part of the proposed landscaping which also include native species planting. Given the existing degree of hardstanding the landscaping treatments proposed would assist in softening the appearance of the development and public experience of the area.
- 227 Third party comments/representations have identified concern regarding the loss of mature trees on the development site including Category A and B trees, and also some TPO trees. Other comments have expressed that that a smaller scale of development would avoid the unnecessary loss of trees. Further to this, the comments have stated that the proposal would cause wildlife disturbance which could affect the character of the area and break the vegetation buffer.
- 228 The development of the proposal has been strategically located to primarily occupy the predominantly brownfield land on the upper plateau whereby the tree cover is less. The area is currently dominated by buildings and hard surfaces and so the impact of the scheme is smaller.
- 229 As highlighted in the arboricultural response note provided by Keen Consultants, the number of trees lost should be considered in relation to the number of trees and quality of tree cover retained across the wider site. The majority of tree cover is retained, enclosing the scheme and screening against visual impacts whilst maintaining an important ecological habitat. In that respect the application proposals minimise harm whilst making effective and efficient use of the previously developed part of the site.
- 230 The proposal has been evolved around that the trees on the frontage of Oakhill Road could be removed subject to an adequate scheme of new tree planting which would provide a greater amenity and benefit the street scene. The landscaping scheme has sought to achieve this with 15 new trees of heavy stock being planted of varying species to provide a fitting landscape scheme to the surrounding area and one that is of high quality not only at the time of implementation but also in future years as it develops which is noted in the applicant submitted landscape and visual impact appraisal.
- 231 The quality and quantity of new trees is substantial and should also be considered in conjunction with the significant enhancement of the woodland area that can be achieved through the woodland management plan proposed by this application. The loss of the central Wellingtonia (tree number 38) is regrettably unavoidable due to its position and significant root spread, however, the applicant has worked hard to design the scheme in order to

retain the most visually prominent Wellingtonia (tree number 46) in the north of the site. The form of the building in the north east corner is specifically designed to protect tree number 46 and its roots.

- 232 The loss of 49 trees on site is regrettable, however there is a significant replacement planting scheme in place. In consideration of the above, the benefits of the proposal by providing additional housing, further tree planting and proper management of the woodland area, would in this instance outweigh the loss of the trees in this instance. However, it is recognised that there is some harm identify with the loss of the trees and it will take time for new planting to establish, however, the pressing need for housing is great, this harm is outweighed by this overall pressing need for housing within the District.

### **Biodiversity**

- 233 At a local level policy SP11 of the Core Strategy seeks to ensure that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The NPPF (paragraphs 179(b) and 180) also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value.
- 234 Objections have been received over the lack of information regarding wildlife on the site and an absence of full surveys (e.g., for bats, reptiles, dormouse legislation/licencing).
- 235 In consideration of the existing conditions of the site, an ecological survey was undertaken to understand the ecological value of the site which was submitted alongside the application. It is noted that KCC Ecology were consulted and raised no objection to the application but requested conditions for bats and lighting, biodiversity landscape management and a breeding bird informative. On this basis, it is considered that sufficient information in which to assess and determine the application from an ecological perspective, despite the concerns raised by third parties relating to the adequacy of the surveys that have been undertaken.
- 236 Paragraph 179(b) states that decisions should minimise impacts on and provide net gains for 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 and as cited in the applicant's submission the development would bring a 48.46% net gain. This will be delivered by ornamental planting of native species and pollinators in and around the site to promote invertebrates, new tree planting of a mix of ornamental and native species, enhancement of the retained woodland via understory planting, ground flora planting, removal of non-native tree and shrubs, retention of dead wood and creation of log piles. Further measures would also create new habitats, siting of bat boxes/tubes, bird boxes and gaps in the bases of fencing to allow movement of hedgehogs. These enhancements will be secured by condition.

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- 237 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 180 of the NPPF.

### Drainage and Flooding

- 238 The application site is not located in flood zone 2 and 3.
- 239 The proposal has submitted a drainage strategy to accompany the proposal. KCC Lead Flood Authority have raised no objection to the development subject to the imposition of conditions relating to further details of a sustainable surface drainage system being incorporated into the development.

### Fire Strategy

- 240 As the elements of the building is more than 18m in height, as cited by The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021, applicants have to submit a Fire statement as part of their submission. Fire statement will support the consideration of information on fire safety matters.
- 241 In this instance, a fire strategy for the development has been submitted. In its proposed that the scheme will employ the following fire/building safety elements into the building:
- Smoke control and shafts (natural and mechanical ventilation);
  - Automatic Water Fire Suppression System;
  - Automatic fire detection system;
  - Dry risers including outlets and inlets - together with information packs/fobs;
  - Site and building access for fire appliances and firefighters;
  - Use of Protected Staircases;
  - Compartmentalisation to prevent internal fire spread;
  - Identification of three escape routes for occupants.
- 242 The above are just a few measures, however further technical building measures would be employed to conform to Part B of the Building Regulations. As part of the consultation process, the Health and Safety Executive has been consulted as instructed by Development Management Procedure Order. However no response has been received. That said, the scheme were to be non-compliant, it is considered that the Health and Safety Executive would have responded. Notwithstanding this, other regulatory regimes covering aspects of fire safety measures into a development are covered by Part B of the Building Regulations, to whom consult with the Local Fire Authority and also ensuring certain fire safety conforming to the relevant British Standards.

**Tilted Balance**

- 243 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:
- 244 The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 245 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.
- 246 Footnote 7 of paragraph 11 d) states:
- 247 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 74); 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.
- 248 The presumption in favour of development applies in this instance as Sevenoaks District Council can only demonstrate a 2.9 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.
- 249 The proposal would deliver a substantial number of homes which attracts very substantial weight, given the acute housing land supply position. There would be net benefits for biodiversity, which attracts significant weight, and economic benefits and minimising need to build in areas of greater sensitivity all carry moderate weight.
- 250 It also considered that the public benefits of the proposal are sufficient to outweigh the less than substantial harm to the significance of the adjacent Conservation Area, loss of trees including T38 and the identified harm to adjacent residential properties. Furthermore, building new homes would generate economic benefits during the construction phase and in the long-term through economic activity of the occupiers that will bring to the Town/District.
- 251 Whilst much of the landscaping would be necessary as mitigation against the visual and landscape effects of the development, it would also have the

## Agenda Item 4.1

potential benefits to the open space by creation of new habitats and the overall biodiversity net gain.

- 252 The development is sited within the urban confines of Sevenoaks whereby there is good access to goods and services, and in accordance with planning policy, primarily this is where the need for housing within the District is given priority.
- 253 There are no protective policies which provide a clear reason for refusing the development proposed. Furthermore, the proposal does not have any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### Community Infrastructure Levy (CIL)

- 254 This proposal is CIL liable. CIL contributions are intended to fund infrastructure to help support development. KCC Economic Development have raised requests for funding for services that the County Council provide via s106 funding arrangements. They have specifically requested the following monies:

- Primary Education expansion - £64988
- New Secondary Education provision - £72464
- Acquisition of Secondary School Land - £61500.32
- Special Educational Needs and Disabilities - £8462.48
- Community Learning - £1132.98
- Youth Service - £4519.50
- Library Bookstock - £3826.05
- Social Care - £10,134.72
- Waste - £12,673.23

- 255 The total contributions requested would amount to approximately £239.4k. This development would generate approximately £1.1m in CIL receipts. This level of CIL receipt is more than enough to cover KCC infrastructure requests. As Infrastructure providers, KCC would be able to bid for funds in line with the Council's existing CIL spending procedures. As Sevenoaks District Council is a CIL charging authority, it would not be reasonable to secure other financial contributions for infrastructure in this instance.

### Other issues

- 256 References to the emerging Sevenoaks Neighbourhood Plan, namely:

Policy C1 - Heritage

Policy C4 - New development in residential areas

Policy L4 - Existing trees and landscaping to be protected

- 257 References to the Sevenoaks Neighbourhood Plan has been made in planning application submissions and in representations by third parties. The

(Item No 4.1) 48



Neighbourhood Plan is still emerging and has only just been published under Regulation 16 for Public Consultation.

258 The policies and aims of the Neighbourhood Plan have been considered and notable that they are briefly align with the current Local Plan policies, however where there has been a justification to depart from the Local Plan policies, this has been justified where appropriate. Notwithstanding this, only very limited weight can be given to these policies as referenced by third parties in the consideration of this proposal.

259 Sets a precedent

In accordance with planning legislation, each application is to be determined on its own merits. By the granting of this permission does not necessarily imply that other schemes can follow due to differing set of material considerations and site constraints.

260 Lowering property values

Objections has been raised in relation to the de-valuation of property values because of permitting this development. It is clear within national planning guidance that the negative effect of a planning permission on the value of properties is not a material planning consideration.

261 Insufficient Infrastructure

Many representations have mentioned that the development would apply additional strain upon the existing local infrastructure. However, to meet any shortfall in the provision of infrastructure and services, funding can be sought after by the pooled receipts from the Community Infrastructure Levy.

262 Conflict of Interest

Third party representations have question the propriety of the determination of this application it involves in part some land owned by the Council. As the application involves land that is owned by the Council, under the Councils Constitution, the application is automatically referred to the Councils Development Control committee for its determination. If any member has had any interest in the land, then it is likely that this would be declared by that individual(s) and appropriate steps will be taken as to whether that member(s) can participate in the determination of the application.

263 Reuse of building is more cost effective

Some representations have commented that the re-use of the building would be more cost-effective. That maybe so, however, this proposal seeks to provide more efficient use of the land and as a consequence delivers more housing that the District is in need of without the sacrifice of developing upon/within designated areas i.e. Green Belt, AONB.

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### 264 Consultations not carried out correctly

It is considered that this application has been carried out in accordance with statutory requirements and site notices advertising the development have been displayed accordingly.

### 265 Management of construction works

It ensure that the amenity of existing residents is sufficiently protected, it would be appropriate to imposition an construction management plan condition, to ensure neighbouring occupiers amenity is not compromised during the construction phase of the development.

## Conclusion

266 The proposed development is considered acceptable in principle and would make efficient use of land taking reference of architectural features in the area and utilising existing topographical features in its design and massing of the buildings.

267 It has been identified that proposal would have an acceptable impact upon highways and provides adequate vehicle parking provision. Further to this, harm has been identified in terms of the visual impact of the development in the short term, the less than substantial harm caused to the adjacent heritage assets, the limited harm identified to adjacent residential occupiers. There are also numerous public benefits arise from the development itself as well as making more efficient use of land and delivering additional housing units into the District which weighs heavily in favour of the development. Notwithstanding the above, upon considering the totality of harm that has identified, neither that harm is demonstrable nor substantial when considering the proposal in its totality and is significantly outweighed by the pressing need for housing within the District and benefits the development would bring.

268 It also means that the proposed development would not conflict with any relevant development plan policies, and that in accordance with paragraph 11(c) of the Framework, this application should be approved without delay.

269 It is recommended that the application be approved and planning permission be granted subject to the conditions.

Background papers

Site and block plan

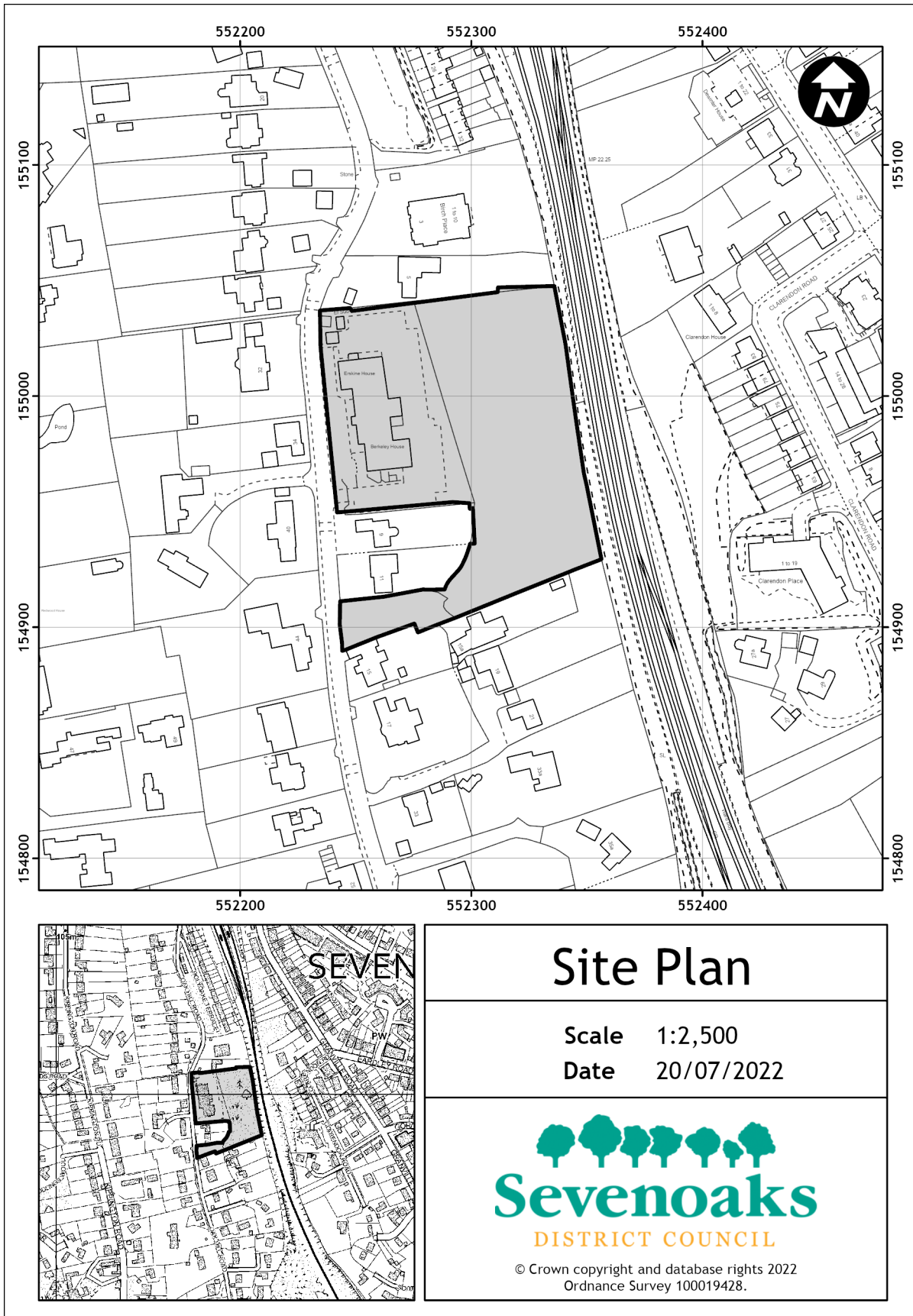
Contact Officer(s):

Sean Mitchell: 01732 227000

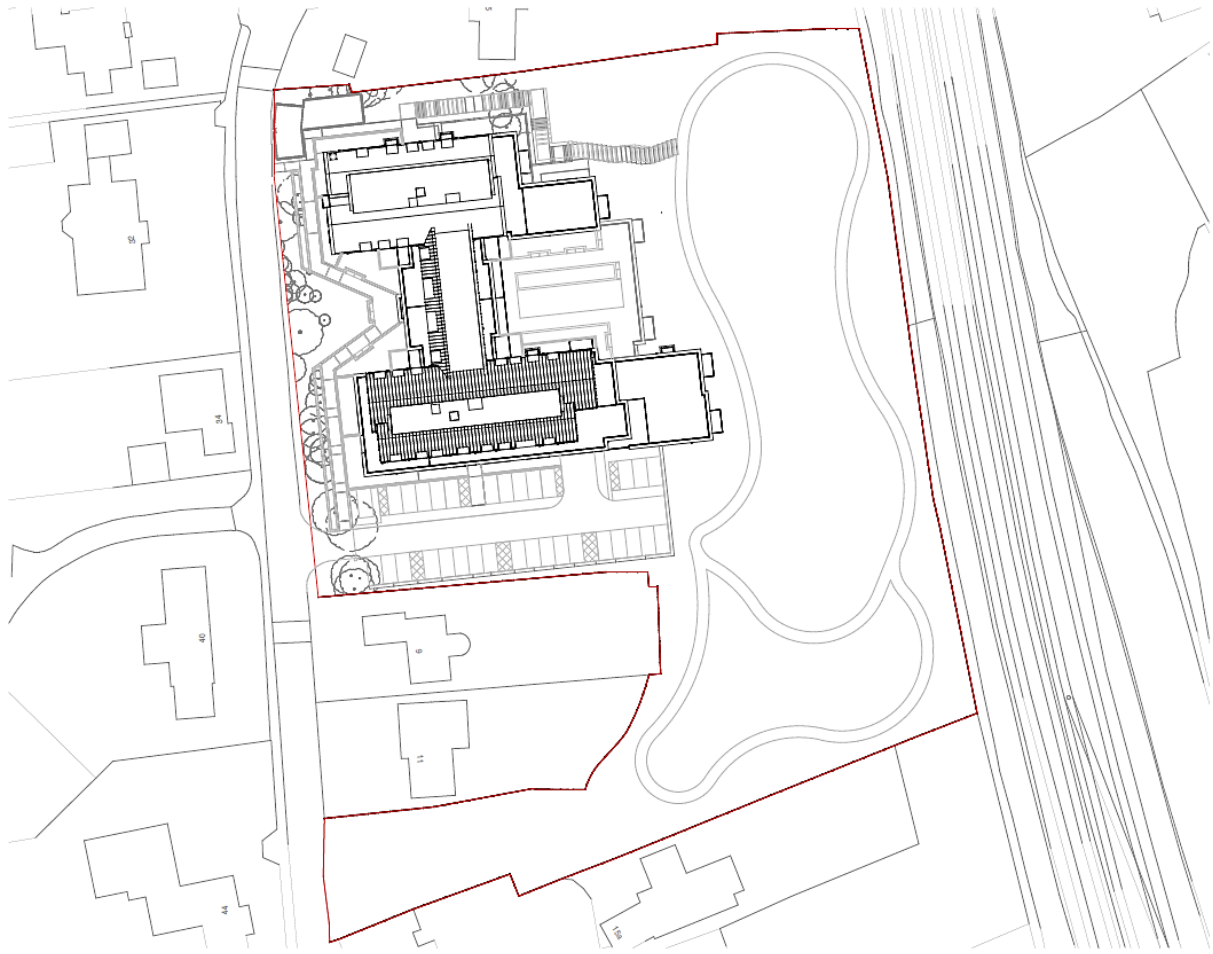
Richard Morris  
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



PROPOSED SITE PLAN



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DEVELOPMENT CONTROL COMMITTEE

Thursday 08 September 2022

LATE OBSERVATION SHEET

4.1 22/00683/FUL - Berkeley House, 7 Oakhill Road, Sevenoaks, Kent  
TN13 1NQ

Condition amendments

Condition 4 amended to read:

***“4) The materials to be used in the construction of the development shall be those indicated on the approved plans unless otherwise approved in writing by the Council.”***

Condition 8 amended to read:

***“8) No development approved by this planning permission (excluding demolition and initial enabling works) shall be carried out until a proposed remediation strategy, has been submitted to and approved in writing by the Local Planning Authority prior to any remediation works 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.***

***The 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 or as may be otherwise approved in writing by the Local Planning Authority.”***

Public responses

One further written representation received detailing the written correspondence between an objector and KCC Highways questioning their response to the application raising concerns on increased traffic movement and insufficient parking provision being proposed.

Officer comment:

KCC Highways are the subject matter experts on highways issues. The submitted Transport Assessment has been calculated using Trip Rate Information Computer System (TRICS) which is an industry standard that uses comparison data of trips

## Agenda Item 4.1

generated by land uses to determine the anticipated impact of the proposal upon the local highway network. KCC Highways has not raised concerns nor objections to the Transport Statement methodology and conclusions. The submitted Transport Statement cites that the proposed development would have a negligible impact upon the highway network and not create conditions that 'severe' to justify a reason to object on highway grounds alone.

As mentioned on paragraphs - 207 - 209 of the report, the off street parking provision proposed is compliant with existing parking standards and Policy T2 of the ADMP. Furthermore, as cited in the submitted Transport Statement, Census Data has been used to determine car ownership levels of occupants living in flats/apartments within Sevenoaks Town as being 0.857 per unit. This is less than 1 car parking space per unit that creates a demand requiring only 59 spaces. When applied to this proposal, as the off-street parking provision is policy compliant, taking into account the likely demand for car parking provision for the proposal, the risk of overspill onto the street is significantly lessened or non-existent.



DEVELOPMENT CONTROL COMMITTEE

Thursday 08 September 2022

ADDITIONAL LATE OBSERVATION SHEET

4.1 22/00683/FUL - Berkeley House, 7 Oakhill Road, Sevenoaks, Kent

TN13 1NQ

An Economic Needs Study that has been commissioned by the Council, in order to update the Council's existing economic evidence base for the emerging local plan has been published today. This study seeks to determine the future business space requirements of the District. The study brief sets out three specific objectives:

- Update the economic land needs for the District, to 2040, in accordance with the National Planning Policy Framework and the Government's latest advice contained within the National Planning Practice Guidance;
- Provide evidence and commentary on the emerging economic trends in commercial floorspace with a particular focus on office accommodation;
- Make recommendations for the Local Plan to support and enhance the District's economic value and competitiveness and identify opportunities for growth.

The Study has assessed all existing allocated employment sites designated by Policy EMP1 of the Sevenoaks Allocations and Development Management Plan.

Under Section 7.2, page 102 of the Economic Needs Study, Erskine House (EMP1(d) - otherwise known as Berkeley House has been assessed. The study states:

*"This is a freestanding brick-built office building in an otherwise exclusively high value private residential street. It is used by Berkeley Group, the house builder, and appears suitable for the needs of an HQ style office. However, its location suggests that, should the occupier choose to vacate, it would readily attract interests from house builders - not least, potentially, the occupiers, and there is no specific merit in retaining it for employment use. Further the- at time of writing - under construction Hendry House at the station end of Oak Hill Road would be a more appropriately located and like-for-like replacement.*

***Recommendation: Release if vacated"***

Berkeley House has been vacated. Taking note that Berkeley have vacated the site of the recently published Economic Needs Study, supports the view of the applicant and that SDC Planning Policy team that the existing employment designation of the site should be removed. Even though this Study is part of the

## Agenda Item 4.1

evidence base for the emerging Local Plan, still some weight can be contributed to it as a material consideration and further supports the recommendation that the loss of this employment site is justified.

Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 29 September 2022

**4.1 22/00683/FUL - Berkeley House, 7 Oakhill Road, Sevenoaks, Kent TN13 1NQ**

[Link to application details:](#)

[Link to associated documents:](#)

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