

4.1 – SE/13/01635/FUL Date expired 2 September 2013

PROPOSAL: Redevelopment of the mixed-use site to provide 26 dwellings: 19 new houses and flats in three separate blocks and 7 houses and flats by way of converting and/or partial rebuilding the existing Mill House, Mill Cottage and Mill Building with 42 associated car parking spaces and new centrally located access road.

LOCATION: Mill House, Mill Lane, Sevenoaks TN14 5BX

WARD(S): Sevenoaks Northern

ITEM FOR DECISION

This application has been referred to committee by Councillor Dickins in order that Members might consider whether the revised scheme overcomes the reasons for refusal previously given and to assess the impact of the reduced parking provision and amenity space.

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) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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

3) No development shall commence until large scale (1:20) construction drawings for the mill building (Block D) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings.

To ensure, so far as is possible, that the detail of the building as rebuilt matches the existing mill building, to safeguard the distinctive character of this landmark building, in accordance with Policy SP1 of the Sevenoaks District Local Plan.

4) Before any demolition of the mill building (Block D) commences, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works, unless agreed otherwise in writing by the Local Planning Authority.

To preserve the oldest part of the building with historic value dating back to the 18th Century, to safeguard the historic character of the building and site in general, in accordance with Policy SP1 of the Sevenoaks Core strategy.

5) The developer shall give the Local Planning Authority at least 7 days notice prior to demolition of the buildings and structures connected to the mill, and shall afford access to the local planning authority to inspect any features connected to the historic use of the mill that are uncovered during such works. Any features considered by the Local Planning Authority to warrant preservation shall be retained on site as part of the development in accordance with a scheme of restoration that shall be submitted to and approved in writing by the Local Planning Authority prior to the rebuilding of the upper floors of the mill or any alternative timetable as agreed in writing.

To preserve any historic features on site that may be uncovered as part of the proposed development and which add to the local value of the mill building and site, in accordance with Policy SP1 of the Sevenoaks District Local Plan.

6) The development shall achieve Level 3 of the Code for Sustainable Homes. No dwelling or flat shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved

In the interests of environmental sustainability and reducing the risk of climate change as supported by Policy SP1 of the Sevenoaks District Local Plan.

7) No development shall commence until details of hard and soft landscaping proposals have been submitted to and approved in writing by the local planning authority, and shall include the following - details of the surface finishes of access roads, parking areas, pavements, and any paths or patios around the proposed buildings- details of any walls, fences and retaining structures within the site- planting plans (identifying existing planting, plants to be retained and new planting);- a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and- a programme of implementation. The hard and soft landscaping shall be carried out in accordance with the approved details. If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

8) No development shall commence until protective fencing is installed on site in accordance with Section 10.2 of the Sylvan Arb Arboricultural Report dated 29th March 2012. The development shall be carried out in full accordance with the Tree Protection Measures specified under Section 10 of the above report unless agreed otherwise in writing by the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

9) Notwithstanding the information contained within Section 11 of the Sylvan Arb Arboricultural Report dated 29th March 2012, no tree works shall take place to T8 until a site meeting has been arranged with the Local Planning Authority to discuss and agree specific pruning works to raise the canopy of T8. No development shall take place until

such works have been agreed and a height clearance barrier no greater than 4.5 metres in height (or as otherwise agreed) has been installed on site, in a position to be agreed in writing with the Local Planning Authority.

To protect this visually important tree, and to safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

10) No dwelling or flat shall be occupied until the car parking spaces as shown on the approved plans have been completed and made available for parking. Notwithstanding the designation of the spaces as shown on the layout drawing, the visitor space shown adjacent to Unit 5 shall be allocated as a second parking space to this unit... Prior to first occupation of the development, the remaining visitor parking spaces shown on the approved plans shall be clearly marked for such use and maintained as visitor parking spaces thereafter.

To ensure a permanent retention of vehicle parking for the development as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

To ensure that sufficient capacity or mitigation is made available to accommodate the increase in discharge arising from the new development, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

12) No unit shall be occupied until the cycle and bin storage facilities as shown on the approved drawings have been completed and made available for such use. These facilities shall be maintained for such use thereafter.

To ensure the provision of appropriate facilities to serve the development in accordance with Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

13) The development shall not be occupied until the access works have been completed in accordance with the approved plans.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

14) No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate that the surface water generated up to and including the 100yr critical storm will not exceed the run off from the existing site following the corresponding critical rainfall event, so as not to increase the risk of flooding both on, or off, site. The strategy shall also include details and responsibility for maintenance of the surface water drainage infrastructure.

To reduce the risk of flooding both on site and in the surrounding area, in accordance with Policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

15) No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approved details.

To protect groundwater within the underlying Principle Aquifers within Source Protection Zone 1 of a public water supply, in accordance with Policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

16) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

1) A preliminary risk assessment which has identified:- All previous uses;- Potential contaminants associated with those uses; and- A conceptual model of the site indicating sources, pathways and receptors of 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 Local Planning Authority. The scheme shall be implemented as approved.

To ensure development is carried out in line with sustainable development principles of the NPPF, to address any contamination risks to public health and groundwaters.

17) 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 protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with NPPF.

18) The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy under condition 16, and the effectiveness of the remediation has been 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.

To ensure development is carried out in line with sustainable development principles of the National Planning Policy Framework, to address any contamination risks to public health and groundwaters.

19) Prior to first occupation of units 6 and 9, the first floor windows in the side elevations of these units shall be obscure glazed and fixed shut, and maintained as such thereafter.

To protect the privacy of the occupants of neighbouring dwellings, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

20) Prior to the commencement of development of unit 9, a scheme to prevent overlooking from the ground floor side facing window of this unit into the garden of 25 Weavers lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to first occupation of this property and maintained as such thereafter.

To protect the privacy of the occupants of the neighbouring dwelling, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no satellite dishes shall be installed on the mill building (Block D) unless approved under a separate planning application by the Local Planning Authority.

To preserve the appearance of the building, in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no rear extensions or outbuildings shall be erected to units 1 or 2 unless approved under a separate planning application by the Local Planning Authority.

To safeguard the Lime Tree in the rear garden of Unit 1 which is protected by a Tree Preservation Order, in order to safeguard the visual amenities of the area in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

23) The development shall be carried out in accordance with the Mitigation and Enhancement Plan submitted by Arbtech and dated 5th July 2012. Prior to first occupation of any unit hereby permitted, full details of ecological enhancement measures to be undertaken on site based on the above plan shall be submitted to and approved in writing by the Local Planning Authority, and provided on site.

In the interests of biodiversity, in accordance with Policy SP11 of the Sevenoaks Core Strategy.

24) No development shall commence until a detailed bat mitigation strategy, incorporating the enhancement measures in table 5 of the Bat Emergence Survey by Arbtech Consulting Ltd, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

In the interests of biodiversity, in accordance with Policy SP11 of the Sevenoaks Core

Strategy.

25) No piling works or other foundation designs using penetrative methods shall 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 prevent unacceptable risks to groundwaters, in accordance with the National Planning Policy Framework.

26) The development hereby permitted shall be carried out in accordance with the following approved plans: 4249-PD-001, 002, 003, 004, 005, 010 Rev D, 011 Rev D, 012 Rev C, 013 Rev B, 014 Rev B, 020 Rev B, 021 Rev B, 030 Rev B, 040 Rev B, 050 Rev C, 051 Rev B, 060 Rev D, 061 Rev D.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies LO1, LO2, SP1, SP2, SP3, SP5, SP7, SP9, SP11
Sevenoaks District Core Strategy 2011 - Policies EN1, VP1.

The following is a summary of the main reasons for the decision:

The development would include the provision of affordable housing and would make a contribution towards local public services.

It is not considered that the loss of employment use on this site should preclude residential development

The traffic generated by the development can be accommodated on the local highway network without harm to highways safety, and the parking to be provided within the development is considered to be at an acceptable level.

Any other impacts arising from the development can be suitably controlled by planning conditions.

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The development would respect the local character of the area

The development would not cause undue harm to the living conditions of surrounding residential properties

The significance of the mill building as a local landmark would be maintained through re-building of the upper floors of the building to a very similar design

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works

with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 This application seeks planning permission for the redevelopment of the Greatness Mill site in Mill Lane, Sevenoaks. The proposal is for residential development of the site to provide 26 residential units in total and would consist of the following –
 - Demolition and re-building of the mill building to provide 4 residential units (Block D)
 - Retention of Mill House and conversion of Mill Cottage into two flats (Block C)
 - Erection of a three storey building next to the existing Mill and fronting Mill Lane, containing 10 x 1 and 2 bed units. (Block E)
 - Erection of a terrace of 5 x 3 bed dwellings fronting Mill Lane (Block A)
 - Erection of a terrace of 4 x 3 bed dwellings at the rear of the site. (Block B)
 - A total of 42 parking spaces to serve the development.
 - Creation of a new access road into the site, between Blocks A and E, and creation of a pavement on Mill Lane for most of the length of the site.
 - 6 units within the proposal are to be affordable units.

2 Members will recall that a previous application (SE/12/00881) to develop 29 residential units on the site was reported to Committee in March and was refused by Members on the following grounds –

1) The proposed development, by virtue of the scale, design, bulk and height of Block E, would have an unacceptable and dominating impact upon the street scene and upon the setting of the adjacent mill building recognized as a local landmark feature and an "undesigned" heritage asset. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan, Policies SP1 and SP7 of the Sevenoaks Core Strategy.

2) The proposed development, by virtue of the scale, mass and height of Block E, would have an unacceptable overbearing impact upon the outlook and the living conditions of the properties opposite the site on Mill Lane, contrary to Policy EN1 of the Sevenoaks District Local Plan.

3) In the absence of a completed S106 agreement, the proposal would fail to make suitable provision for affordable housing on the site, nor would it contribute towards identified infrastructure improvements. This would be contrary to policies SP3 and SP9 of the Sevenoaks Core Strategy and the Council's Supplementary Planning Guidance: Affordable Housing

Description of Site

3 The site is located within the built confines of Sevenoaks within an established and primarily residential area. The site is L shaped and 0.4 hectares in area. The land levels change dramatically on site, and rise from road level in excess of 3 metres to the rear of the site.

4 The existing site consists of the existing 5 storey mill building with attached workshop / industrial units of lower height. These buildings are in use for commercial purposes – an upholstery / cabinet making business operates from the Mill building and a tyre fitting company from the workshop / industrial unit. The site also contains a builders/scaffold yard, as well as 2 dwellings (Mill House and Mill Cottage) and associated gardens to these properties.

5 The main mill building was a Grade II listed building, but was de-listed March 2011. The main reason for this was because the mill, although originating on this site in the 18th century as a corn mill, had been subject to a major fire in the late 1920's and was extensively re-built (with a further storey added) using modern building materials and methods such as steel supports and concrete walls. As such, only a fragment of the original mill building remains (the ragstone on the ground floor of the building). The Secretary of State considered that the building was not of special architectural interest and had no special constructional, technological or historical interest to warrant retention of the listing, but did comment that the mill was clearly of local historical interest.

6 The site is surrounded primarily by residential properties – consisting of largely 2 storey semi-detached dwellings on Mill Lane to the north and east, by two storey modern terraces at Silk Mills Close to the south, and a mix of two storey semi detached and terraced dwellings to the west. The southern extreme of the site borders the access road to Silk Mills Close and beyond this a residential bungalow fronts onto Mill Lane. The playing fields and park at Greatness Mill lie opposite

the southern part of the site. Further afield, 3 and four storey blocks of flats are sited at each end of Mill Lane.

Constraints

- 7 Trees protected by a TPO partially within and partially adjacent to the site.
- 8 Former listed mill building on site that has been de-listed but remains of local interest and considered an “undesigned heritage asset”

Policies

Sevenoaks Core Strategy

- 9 Policies – LO1, LO2, SP1, SP2, SP3, SP5, SP7. SP9, SP11

Sevenoaks District Local Plan

- 10 Policies – EN1, VP1

Other

- 11 Guidance within the National Planning Policy Framework (NPPF) is relevant
- 12 Guidance within the Sevenoaks Residential Character Area Assessment SPD is relevant

Planning History

- 13 SE/07/00726 - Demolition of outbuildings, conversion of Mill House, construction of 16 No new dwellings – Withdrawn

SE/08/01175 - Redevelopment of site to provide 22 dwellings. 8 to be provided within the existing Listed Mill building and Mill Owner's house and cottage. The remaining 14 to be new builds within the site – Withdrawn

SE/12/00881 - Redevelopment of the mixed-use site to provide 29 dwellings; 22 new houses and flats in three separate blocks and 7 houses and flats by way of converting and/or partial rebuilding the existing Mill House, Mill Cottage and Mill Building with 45 associated car parking spaces and new centrally located access road - Refused

Consultations

Sevenoaks Town Council

- 14 Sevenoaks Town Council recommended refusal on the following grounds:
 - Despite the reduction in the number of flats the density remains too high - The design fails to respect the "designated" heritage asset Mill House.
 - Overlooking of properties in Silk Mills Close - they will be badly affected by overlooking.

- The Town Council remains concerned that problems of sewage and ground water disposal have not been addressed, nor have issues of flooding in recent years due to heavy rainfall.

Kent Highways

- 15 I write to confirm on behalf of the Highway Authority that I have no objection to these proposals. The car parking provisions proposed are appropriate and acceptable. Similarly the visibility splays and access dimensions shown are suitable and acceptable.
- 16 As previously indicated the visibility splay, interconnection and frontage arrangements with Mill Lane will need to be subject to a Section 278 agreement with the Highway Authority in order to ensure appropriate construction details (including highway drainage). If this planning application is approved I would be grateful if you could include this requirement in any condition notice. As is the discretion of a developer, my understanding is that the internal roads are not to be put forward for adoption.

SDC Conservation Officer

- 17 The proposed redevelopment of this site has been the subject of previous applications and pre-application discussion. The scheme as proposed is considered to be, as a result of these discussions and the appropriate amount of research into the significance of the buildings on site, a heritage-led scheme, utilising the historic presence of the mill and associated buildings as the anchor, and reinforcing local distinctiveness.
- 18 The mill building itself is considered to be a non-designated heritage asset, in accordance with paragraph 135 of the NPPF. The proposal is to take down the building to the ragstone and brick plinth and rebuild to match, with some modifications for fenestration and doors. It has been demonstrated, through the de-listing of the mill by English Heritage, and the accompanying historic assessment of the building, that, whilst the mill is historically significant, the fabric itself of the timber clad upper floors is relatively new, and therefore of much less significance than the actual presence of the mill itself and its contribution to local history. It is usually not considered to be good practice to 'restore' buildings based on conjecture. However, in this case, the intention isn't to rebuild based on conjecture regarding earlier forms, but rather to replace 'like for like'. The adjacent mill house, also of some significance, will be converted with minor alterations.
- 19 I have no objection in principle to the proposal to rebuild part of the mill, to convert the mill house, nor to the new build elements within the site which will remain subservient and will blend in, in terms of form and materials, with the surroundings. However, materials will be key to the success of the scheme and I'd suggest that samples of external materials be made a condition. This is particularly important for the black stained weatherboarding at the mill, and also the currently timber clad part of 'Block C', which match (I note that the proposed elevation drawings for the mill specify black timber cladding, but the mill house proposed elevations still note black cladding with no mention of timber. Details of the metal windows, and new doors, should also be submitted as the plans submitted are at a small scale.

- 20 Finally, to ensure that works to demolish the mill will not result in the loss of the plinth wall, the following condition is suggested:
- 21 Before any demolition of the mill building commences, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works.

Conclusion: No objection in principle subject to the suggested conditions above.

Tree Officer

- 22 The existing site currently occupied by light industrial/commercial enterprises, has a number of trees throughout that appear to be self set. They provide a green screen for this section of the site but most are shown to be removed as part of the proposed development. Given their current locations growing mostly against buildings, it is not a viable option to protect and retain the trees. The loss of this green screen is regrettable but unfortunately its retention is not defensible. I do not therefore have any objection to their proposed removal. The tree that dominates the site is a mature Horse Chestnut, which is located upon adjacent property but a large percentage of the canopy of this tree overhangs this site. This tree is currently protected by TPO 12 of 1989. This proposal shows the main access drive to be located directly to the north east of it. Height clearance is an issue here as any new residents will require access below it as will the developer during the build process. The current clearance is in the region of 3 metres, which is not adequate for the additional traffic that this development will create. In order to raise this canopy to an acceptable height an amount of limbs will need to be removed to gain the additional height clearance. Horse Chestnut trees are soft wooded trees and do not react well to larger pruning wounds, which often rot into the wound. This can clearly be seen from previous pruning to this tree.
- 23 The arboricultural report has dealt with the issue of the construction of the new drive but has not addressed the issue of how the low canopy is to be dealt with. Drawing number 4249-PD-010 shows the RPA for this tree at 8 metres whereas the tree survey suggests the RPA to be 12.7 metres. The given trunk diameter however would suggest that this tree requires an RPA of up to 15.2 metres.
- 24 I consider this aspect of the proposal needs to be discussed at greater length in order to ensure that this tree is managed correctly rather than cut out of the way to accommodate this development. There is also the proposal for the two additional parking bays and the required levels, which also require clarification.
- 25 Whereas I consider the bulk of the project is achievable, I need greater clarification on the areas adjacent to the Horse Chestnut tree. Full details of the permeable surfaces, full details of replacement planting and hard landscaping will also be required.

Thames Water

Waste Comments

- 26 Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames
- (Item 4.1) 11

Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

- 27 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 28 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

- 29 With regard to water supply, this comes within the area covered by the Mid Kent Water Company. For your information the address to write to is - Mid Kent Water Company PO Box 45, High Street, Snodland, Kent, ME6 5AH. Tel - (01634) 240313

Environment Agency

- 30 Thank you for consulting us on the above proposal. We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Contamination

- 31 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:
1. A preliminary risk assessment which has identified:

- a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors; and
 - d. 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.
- 32 Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 33 We confirm receiving the phase 1 desk study produced by Soils Limited, reference 12873/DS. The preliminary site report has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the local planning authority before any site clean-up works are commenced.

Reason 1: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with National Planning Policy Framework (NPPF).

Condition 2: 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.

Reason 2: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with NPPF.

Condition 3: 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.

Reason 3: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1 and to comply with NPPF.

Foundations

- 34 If piling or any other foundations design using penetrative methods are required then we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site.
- 35 If piling or any other foundation work using penetrative methods are going to occur we would recommend liaison occurs with the relevant water company and applying the following condition.

Condition 4: 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.

Reason 4: To protect the groundwater because the site is located on the Folkestone Formation and within Source Protection Zone 1.

Drainage

Foul

- 36 The application form indicates that the foul sewage will be discharged to mains. If this changes then we should be consulted.

Surface Water

- 37 The application form indicates that the surface water will be discharged to SUDs.
- 38 We are minded to object to any discharge to ground in Source Protection Zone (SPZ) 1 other than clean, uncontaminated roof water. Roof water shall discharge direct to soakaway via sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.
- 39 Condition 5: No infiltration of surface water drainage into the ground at the site is 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason 5: To protect groundwater because the site is located on the Folkestone formation which is a principal aquifer and within a source protection zone 1. To comply with NPPF.

Informatives

Fuel, Oil and Chemical Storage

- 40 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.
- 41 The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection

Waste to be taken off site

- 42 Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011
- 43 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- 44 If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Mouchel (summarised)

- 45 The application would generate a requirement for the following contributions to mitigate the impact of the development on the delivery of community services by Kent County Council –
- A contribution towards secondary school provision totalling £29,497.50
 - A contribution towards library provision of £3,148.72
 - A contribution towards community learning of £283.15
 - A contribution towards adult social services of £5,495.76

NHS Trust

- 46 In terms of this development, and at this stage, a health care need has been identified for contributions for Winterton surgery and/or Brasted surgery and/or Sundridge surgery. This contribution will be directly related to this development and it will help towards upgrade and/or refurbishment.
- 47 NHS West Kent wishes to work with our local partners on healthcare issues to assure healthcare provisions to improve the health and well being of our population. A healthcare contribution (section 106) is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government.
- 48 NHS West Kent seeks a contribution of £18,576.

Environmental Health

- 49 Contaminated land – Any permission should include a condition requiring the intrusive contaminated land investigation recommended by the desk top study. The condition should also include the submission of remediation measures and a validation report on completion of the remediation for approval of the local authority.
- 50 Under the last scheme, the EHO also made the following comments in respect of noise, air quality and local sewerage infrastructure.
- 51 Noise – No objection
- 52 Air Quality – Traffic from the development will join the busy A25 - Seal Road - and pass through either the Bat and Ball junction or through Seal High Street, or may access the town centre via Seal Hollow Road. Bat & Ball, Seal High Street, and the Town Centre are all designated Air Quality Management Areas due to traffic pollution. Whilst the additional traffic from this site would on its own not significantly worsen air quality it does not assist the traffic reduction sought by the Council's developing Air Quality Action Plan and adds to creeping traffic growth in the area. I therefore request the developer be asked to make a Section 106 contribution toward the cost of local air quality monitoring at Greatness and at Bat & Ball, and/or towards measures within our Air Quality Action Plan. I suggest £10,000.
- 53 Local sewer problems – the Environmental Health department has previously had numerous complaints of sewage overflowing from inspection chambers during

storm events. I understand this is due to a lack of capacity in Thames Water sewers.

Natural England (summarised)

- 54 The application is in close proximity to Sevenoaks Gravel Pits SSSI and the Kent Downs AONB. However given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.
- 55 On the basis of the information supplied, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts upon the local population of Bats and Great Crested Newts. A condition is recommended to secure a detailed bat mitigation and monitoring strategy.

KCC Ecology

- 56 We have reviewed the ecological information which has been submitted for comment and we are generally satisfied with the information which has been provided – we require no additional information to be submitted for comment prior to determination.

Bats

- 57 Brown Long Eared and Pipistrelle bats have been recorded within the site and an outline mitigation strategy has been proposed. We require a detailed mitigation strategy to be submitted for comments as a condition of planning permission.
- 58 Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's "Bats and Lighting in the UK" guidance is adhered to in the lighting design.

Reptiles, Hedgehogs and Common Toads

- 59 The scoping survey identified that there is some limited suitability for reptiles, hedgehogs and common toads to be present around the edge of the site. The implementation of the precautionary mitigation strategy detailed within the Mitigation and Enhancement Plan must be a condition of planning permission if granted.

Breeding Birds

- 60 There is habitat present on site which is suitable for breeding birds. All breeding birds are legally protected under the Wildlife and Countryside Act 1981 (As Amended). The implementation of the precautionary mitigation detailed within the Mitigation and Enhancement Plan must be a condition of planning permission if granted.

Enhancements

- 61 One of the principles of the NPPF is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

62 The ecological scoping survey has made recommendations for enhancements which can be incorporated into the site. We are pleased to note that some of these recommendations have been incorporated into the site plan. We do have some concerns that there is limited connectivity to the site and we recommend that any fencing erected as part of this development has gaps to enable wildlife to commute through the site.

KCC Rights of Way team

63 Public Rights of Way Footpath SU5 runs along the northern boundary of the site. I do not anticipate that it will be affected by the development. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.

64 I am pleased to see that there are windows overlooking the path providing natural surveillance. I would ask that any trees planted are far enough back from the footpath that there will be no root interference with the metalled surface. Due to the slope of the land towards the path the developer should take care to ensure that surface water does not drain onto the path. Any gates should open into the property and not onto the public footpath.

65 I would also ask for a contribution, by means of a Section 106 agreement, for £5,000 to resurface the existing public footpath, SU5, for its 179 metre length from Greatness Road to Mill Lane, to improve access amenities for pedestrians in the local area.

66 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way, such as the need for a scaffolding licence.

67 Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

68 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

South East Water

69 No comments received

Representations

70 11 letters of objection received, raising the following concerns

- The density of development remains too high
- Insufficient drainage / sewage infrastructure to deal with additional demand
- Increased traffic on Mill Lane and at junction with Seal Road
- Lack of parking for the development
- Change in nature of residential area through a high density development
- Loss of privacy to properties on Mill Lane
- Change of use of the Mill building to residential use will lead to greater levels of overlooking than currently occur from the existing use of the building.
- The three parking spaces removed from the development should be retained
- The development surpasses the allocation of 20 units as recommended in the Council's Allocations and Development Management Plan
- The density and design compromise the distinctive character of the area
- The design makes no attempt to retain the current unique and distinctive roofline
- Mill lane is used for overspill parking by the football club and church, and this will make matters worse
- Despite the changes made to the plans, this would still be overdevelopment for the area
- Loss of privacy and impact upon Silk Mills Close
- The 2008 scheme that was withdrawn was a much better design
- To mimic the Mill building with others of similar height would be completely out of character
- The scheme only makes minor changes to the previously refused scheme.
- There is no explanation about how the increased use of the sewer would be mitigated
- Loss of commercial use on site
- The two existing buildings next to the mill should be retained and adapted
- There are no east facing elevation drawings with the application

Chief Planning Officer Appraisal

Principle of development

71 The site is located within the built confines of Sevenoaks and policies LO1 and LO2 of the Sevenoaks Core Strategy reinforce the Sevenoaks urban area as a principal focal point for development in the town.

- 72 The site is also identified for housing within the Council's Allocations and Development Management Plan DPD (ADMP), which has been agreed by Cabinet and Full Council, and will be subject to public consultation prior to an Examination in Public in the near future. The ADMP identifies the site as suitable for a mix of dwellings and flats, with a net capacity of approximately 20 units.
- 73 Notwithstanding the content of policies LO2 and SP8 of the Core Strategy relating to the retention of business premises, given the allocation of the site in the ADMP for housing development within a sustainable urban location, I consider the principle of development to be acceptable.
- 74 The site would largely fall under the definition of previously developed land, being primarily in commercial use. The NPPF encourages the effective re-use of such land. Although the NPPF also allows a local authority to consider policies to resist the inappropriate development of residential gardens where, for example, development would cause harm to the local area, it does not preclude development on garden land as a matter of principle. Whilst policies EN1 of the Local Plan and SP1 of the Core Strategy seek to protect local character, neither policies seek to prevent garden development. Nor do policies LO1 and LO2 of the Core Strategy which focus development and growth into major towns within the District such as Sevenoaks. On this basis, I consider residential development of the site to be acceptable, subject to detailed local impact upon the site and surroundings.
- 75 Members will also note that the principle of residential use and subsequent loss of employment land was not a ground of refusal under the previous application SE/12/00881.

Impact upon the character and appearance of the area

- 76 Policy SP1 of the Sevenoaks Core Strategy states that all new development should be designed to a high quality and respond to local distinctiveness. Policy SP7 states that new housing should be developed at a density consistent with achieving good design, and should not compromise the distinctive character of the surrounding area. Subject to this, the policy states that new development is expected to achieve a density of 40 dwellings per hectare.
- 77 A good starting point to define the existing area is the Sevenoaks Residential Character Area Assessment. This document defines the form, design and materials of residential properties in Mill Lane as varied. It recognises that all residential properties are set back from the road, with houses on the east side slightly elevated. It also recognises the existing Mill building as a positive landmark in the street scene due to its height, materials and the unusual nature and appearance of the structure (including lofts, eaves and tiled roof). The assessment goes on to state that in proposing new development in this area, individual buildings should be of a high quality design standard, that repeated designs and building lines in Mill Lane should be respected, the character of the landmark mill building should be retained, and the view of the North Downs should be protected.
- 78 With regard to the above, it is clear that the mill building and the adjoining buildings on the site are very much different in scale, siting, appearance and historical context than surrounding residential properties. The buildings are of industrial character and appearance, and are sited hard against the road edge.

Whilst the other buildings on site are in a poorer state of repair and of more utilitarian form, the assessment rightly acknowledges the status of the mill as a positive landmark feature.

- 79 The application proposes to demolish the upper floors of the mill building, which are not of historical interest or construction, and to rebuild the building to essentially the same form and scale as existing, the purposes of this being to maintain a landmark building in the area. Some changes would be made to the replacement mill building, including the provision of some additional windows, and the installation of a lift shaft at the rear of the building. However the form and appearance of the building has been designed to closely represent the existing building.
- 80 Whilst the building is no longer a designated heritage asset, having been de-listed, it is nonetheless of local historical interest and as such is a non-designated asset. The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will need to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Policy SP1 of the Core Strategy states that heritage assets within the district should be protected and enhanced.
- 81 In this instance, the applicant has submitted a statement to justify why the building is not suitable for conversion. This explains that the upper floors of the existing mill building were designed for storage space, and that the steel and blockwork construction would render conversion of the building very difficult and unlikely to conform to basic housing design guidance, let alone current building regulations requirements. Internal layouts would be seriously compromised and unable to align with housing design guidance such as “lifetime homes”. The solution put forward by the applicant is to rebuild the upper floors of the mill, but to retain externally the design, scale and mill form of the building.
- 82 The application includes a heritage statement which recognises the significance of the building as a notable and characterful building in the local townscape. It also recognises that the historical remnants of the building are limited to the ground floor stone work. The application seeks to retain this stonework on the ground floor, and to rebuild the remainder of the mill, to imitate the existing structure and provide the visual continuity of a mill building on the site. As part of the development, there is also potential for other original features to be exposed, such as the wheel pit and chute, and conditions can be used to appropriate mechanisms to deal with such features during the course of the development. The Council’s conservation officer does not object to the proposal, and I consider that the significance of the mill has been properly considered and would be preserved through this scheme, in accordance with the NPPF and Policy SP1 of the Core strategy.
- 83 Members will also note that the proposals for the mill building itself remain identical to the scheme submitted under SE/12/00881. Although this application was refused, the proposal to rebuild the mill did not form a ground of the refusal.
- 84 The smaller industrial units next to the mill would be removed and replaced by a block of flats (Block E). Members will note that the previous scheme included a part three, part four storey building in this location and this specific building was found by Members to be unacceptable due to its dominating impact upon the

street scene and the Mill building. The current application has revised this block by reducing the number of proposed units within the building from 13 to 10 units, and reducing the size of the building to three storeys. As a result, the area of the building that was previously over four storeys has been reduced in height by some 2 metres to a maximum of 9.7 metres in height. The part of the building closest to the Mill building remains at three storeys although the height has been reduced by 500mm to a maximum of 9.3 metres. In addition, the large front gable feature on this part of the building has been removed.

- 85 This building would remain on the same footprint as Block E proposed under the former scheme and as such would be detached from the mill building, thus exposing the side elevation of the replacement mill, and stepped slightly further back into the site than the existing buildings. Although the flats would still be taller than the existing buildings to be demolished on site, the revisions made to the height of Block E would increase the difference in scale with the Mill building and thus increase the prominence and setting of the Mill Building – the difference in height between Block E and the Mill building would be increased to a minimum of 5.6 metres (compared to 3.5 metres under the refused scheme) – and I consider that the mill building would still clearly dominate the local townscape. In addition, the removal of the large gable feature on the front elevation of Block E closest to the Mill building would soften the scale and massing of this part of the building and would reveal more of the Mill building in views taken down Mill Lane from Seal Road. The block would be constructed in a mix of bricks, tile hanging and timber cladding, with the use of feature barn hips, front facing gables and attic windows which have been designed to complement the setting of the mill building.
- 86 Whilst the mill and Block E would be sited against or close to the pavement, this reflects the position and scale of the existing buildings on site close to the road. The slight set back of Block E does provide an opportunity to install a pavement at the front which currently does not exist, although this would stop at the mill building which remains hard against the road.
- 87 Overall, I consider that these revisions would improve the relationship between proposed Block E and the Mill Building, and the reduction in the height and scale of Block E compared to the previous scheme would retain the prominence and status of the Mill building.
- 88 Whilst the flats within Block E would still be greater in height and mass than the residential properties opposite, the revisions in height and scale would reduce this effect. This block is now of similar height to Block A, as evidenced in the streetscene drawings submitted. Given the existing characteristics of buildings on the site which are very different to surrounding conventional residential properties, and the existence of other flatted blocks in the road, as well as the Mill building itself, I consider this impact upon the street scene to be acceptable and an improvement to the scheme under SE/12/00881.
- 89 Due to the reduction in the number of units on site, the number of parking spaces proposed within the development has reduced from 45 to 42 spaces. This has provided an opportunity to provide more green space within the site in comparison to the previous scheme. This additional space has been provided to the rear of Block E and through the enlargement of the garden to Unit 10.

- 90 The remainder of the development would be identical to the scheme considered under SE/12/00881. This was not deemed to be unacceptable in the determination of the last scheme, and my previous assessment of this is set out below and equally applies to this scheme.
- 91 The terrace of dwellings in Block A would be of two storey design with some accommodation in the roof space, and generally around 9 metres in height. The dwellings would front onto Mill Lane and have been designed with a mixture of barn hips and front gables. This design approach has again been purposefully taken to link the units with elements of the mill building. These buildings would face Greatness Park. The buildings would be set back from the lane and of similar scale to established dwellings in the road. In fronting Mill Lane, the design adopts a positive streetscape approach.
- 92 The works to Block C relates to the existing house and attached cottage on site. The form of this building remains essentially the same, with some excavation works around the lower ground floor of Mill Cottage, and new brickwork / cladding / tiling to the building. This block would provide a dwelling and 2 x flats. Given the position of this building to the rear of the mill and the limited alterations proposed, this would be unlikely to cause any discernible impact upon local character.
- 93 The dwellings to the rear of the site in Block B would be 8.8 metres in height. Being within the rear of the site, the buildings would have little impact upon the character / appearance of Mill Lane or Silk Mills Close. They would be most visible from the public footpath immediately next to the site leading from Mill Lane to Greatness Lane. However this path leads past a number of other dwellings and the proposal would be little different to the existing presence of dwellings when viewed from the footpath.
- 94 As a whole, I am satisfied that the locally distinctive character of Mill Lane would be maintained through the provision of a (largely) replacement building to imitate the existing mill as a landmark feature. The new buildings fronting Mill Lane would reflect in part the presence of flatted blocks and dwellings in the area, whilst being designed to complement the mill building. The building line for the flats in Block E would be on the site of existing buildings which are hard against the road, whilst the smaller scale dwellings in Block A would be set further from the road, to reflect the prevailing position of other surrounding small scale domestic properties. Overall I consider this design strikes the right balance on Mill Lane between retention of the distinctive character and building lines of existing large scale buildings on site, and the more conventional layout of domestic properties elsewhere.
- 95 The impact of the development on the character of Silk Mills Close is more contained, given the small number of units in the close and its backland position as a no-through route. The rear of the units in blocks A and E would face towards the close and towards the road and parking areas serving the existing dwellings. It is important to note that the Close is at a much higher land level than Mill Lane, and as a result the perception of the height of the proposed development would be much less when viewed from Silk Mills Close. Although Members did not refuse the previous scheme on any impact to Silk Mills Close, it should be noted that the height of Block E under the current scheme from the Close would be reduced from around 8.5 metres to 6.5 metres, thus further improving this relationship. The units facing Silk Mills Close in Blocks A and E would be at a

distance of 7-10 metres from the Close and a minimum of 23 metres from the existing dwellings themselves.

- 95 A line of trees exist along the boundary between the site and Silk Mills Close and these are protected by a TPO. Subject to conditions, the Tree Officer is generally satisfied that the development would not cause any harm to these trees. However a query has been raised over the relationship between the Horse Chestnut tree and the proposed access road, and whether suitable clearance for this tree can be achieved, particularly in relation to service vehicles using the access. The tree officer is satisfied that the tree would not be harmed provided that any crown lifting was limited to 4.5 metres in height. Having checked typical heights for a refuse vehicle and heavy goods vehicle, these would be able to pass under the tree at a height of 4.5 metres without causing damage to the tree.
- 96 Given the difference in levels, the distance between the proposed buildings and Silk Mills Close, and the preservation of existing trees on site, I am satisfied that it would not have a harmful impact upon the character and appearance of the close.
- 97 The Residential Character Area Assessment seeks to preserve views of the North Downs from the area. These views can be attained from views down Mill Lane and partially across the site from Silk Mills Close. The current mill building does obstruct such views at present and the flatted block, sited next to the mill building, would only have a marginal impact on these views, mitigated further by the reduction in height now proposed. From Silk Mills Close, views across the site to the north would be maintained through retention of the mill house and cottage. As such I do not consider the views of the Downs to be materially interrupted through this development.
- 98 Overall, I consider that the specific revisions made to Block E would overcome the grounds of refusal reason 1 of SE/12/00881, that the development would not harm the existing character of the area, and includes measures to complement local distinctiveness, in accordance with policy SP1 of the Core Strategy and guidance contained within the Sevenoaks Residential Character Area Appraisal.
- 99 Whilst it is recognised that the density of development exceeds the 40 dph set out under Policy SP7 of the Core Strategy, this is not a maximum density and I have found the scale and layout of the development to be acceptable in this location. On this basis, I am of the view that the density proposed (65 dph) can be supported on this site without any material harm to the surrounding area.

Impact upon surrounding neighbouring amenities

- 100 Members will again note that refusal reason 2 of the previous application relates specifically to the impact of Block E on the amenities of the dwellings opposite this Block on Mill Lane. In particular, the refusal stated that Block E would have an unacceptable overbearing impact upon the outlook and the living conditions of these properties.
- 101 As advised earlier, this block has been reduced in scale and height under the current application. The four storey element under the previous scheme has now been reduced to three storeys, with a resultant reduction in the height of the building by 2 metres, to a maximum of 9.7 metres in height. The other subservient part of this block, closest to Mill House, remains at three storeys, but

has been reduced in height by around 500mm and the former large front gable projection facing Mill Lane has been removed from this part of the building. As a result, I consider that the scale of this block has been materially reduced with a subsequent material reduction in the impact upon the properties opposite on Mill Lane.

- 102 A distance of approximately 18 metres would be maintained between the block and these existing residential properties on the opposite side, which are on slightly raised land levels to the application site. The applicant has also demonstrated on section drawings that Block E would not obstruct the passage of light to the front windows of houses on Mill Lane, and that a 25° light angle would be maintained to these windows, in accordance with BRE guidelines. The distance between the block and these properties across Mill Lane is a typical arrangement between buildings that face one another across a highway. At a maximum of 9.7 metres in height, Block E would only be slightly higher than typical heights for conventional two storey housing units. In my opinion these alterations improve the relationship between Block E and the properties on Mill Lane to the extent that they would overcome the previous grounds of refusal.
- 103 The relationship between the remainder of the development and surrounding buildings was not found to be unacceptable under the previous scheme and these elements of the scheme remain unchanged. For completeness, I have detailed this relationship below.
- 104 The proposals for Blocks C and D seek to utilise or imitate existing buildings on site. Whilst this involves some minor adjustments and addition of windows, particularly to Block D, these do not materially change the relationship between these buildings and neighbouring properties. As such, in terms of mass, scale and impact, I do not consider that the proposals for Blocks C and D would cause any undue impact on neighbouring properties in comparison with the existing buildings. Although a new residential use would be introduced to Block D, the associated activity and outlook from this building would be unlikely to cause harm to neighbouring properties on the opposite side of Mill Lane or at No. 20, given the distance involved, the intervening highways and public footpath, and the outlook from the Mill building which would be towards the front of these properties.
- 105 The proposed dwellings in Block A would face Greatness Park and would be sited some 27 metres and 24 metres from the front of the existing property at 1 Mill Lane and the flank wall 1 Silk Mills Close respectively. Given these distances and, in the case of Silk Mills Close, the changes in land levels, I am content that this block would not cause any unacceptable loss of light, privacy or outlook to these properties. The flank wall of unit 1 in Block A would face across the road access to Silk Mills Close towards a bungalow on Mill Lane named “Camion”. This building is orientated so it has no main windows or aspect facing towards the application site and the relationship would be quite typical of neighbouring properties either side of an access road. Overall, I do not consider that the development would lead to unacceptable living conditions for the occupants of Camion.
- 106 Block B consists of the terrace of 4 units proposed at the rear of the site. The block would be sited adjacent to dwellings on Weavers Lane, with a distance marginally under 5 metres between the flank wall of Block B and No. 25. This existing property is sited on a lower land level than the application site, and

separated from it by the intervening public footpath. Block B would be orientated in a similar line to No 25, but would project beyond the building line of No. 25 by around 5 metres. It would maintain a 45° light angle from windows in the rear elevation of No 45, as recommended in BRE light guidelines, and the two small windows in the flank wall of Block B can be restricted through the use of obscure glazing. Whilst windows in the front elevation of Block B would allow some angled views into the rear garden of 25, these would be limited, over the existing public footpath, and would not overlook the garden area near to the rear of 25. This relationship is typical of most conventional houses in urban areas.

- 107 Block B would also be sited adjacent to 14 Silk Mills Close, and would be set behind the building line of this property. Block B would be sited due north of this property with a distance of 12 metres between flank walls. Whilst the flank wall of Block B would be visible to the occupants of No. 14, given this distance and orientation of the block, I do not consider it would be likely to cause any undue loss of outlook or light to No. 14. The first floor window in the flank wall of Block B is a secondary bedroom window and can be conditioned to be obscure glazed to prevent overlooking.
- 108 The rear elevation of Block B would face towards the rear gardens of properties on Grove Road, with a distance of around 26 metres between the respective buildings. The current boundary hedge provides some screening and at this distance, I consider this relationship to be acceptable.
- 109 Policy EN1 (3) of the Local Plan seeks to ensure that new development does not have an adverse impact upon the privacy and amenities of an area. In my opinion and for the reasons given above, I consider that the revisions to Block E would overcome the previous grounds of refusal and that the development would be in accordance with this policy.

Impact upon highways safety

- 110 The proposal would utilise two access points – the main access to the site would be created between Blocks A and E, and an existing access point to the north of the existing mill building would be retained to provide access and parking for three vehicles.
- 111 The highways officer is satisfied with the layout and visibility for the main access road. Whilst it is acknowledged that the other access has limited visibility, this is an existing access and would only be used to access three parking spaces. Given this existing situation, the Highways Officer does not object to this element of the scheme.
- 112 Similarly, the highways officer is satisfied that Mill Lane and the junction with the A25 are suitable to accommodate any additional traffic.
- 113 In terms of parking, the revised scheme of 26 units would be provided with 42 parking spaces. When these are broken down, 2 spaces can be allocated to each dwelling on site (based on reallocating a visitor space to Unit 5 to provide 2 spaces to this property), 1 space per flat and 6 visitor spaces. This would accord numerically with the guidance from Kent Highways on parking. The only departure from the guidelines would be the allocation of spaces to each flat, however in this instance the Highways Officer does not object to this, and I also consider that

allocation would be necessary in part to define spaces allocated to affordable housing units from those allocated to the open market units.

- 114 Some objectors have stated that the development should retain the same number of spaces on site as the former scheme (45 spaces). However the reduction in the number of units provides an opportunity to provide more open space and landscaping within the development. The ratio between the number of units and the number of car parking spaces remains the same as the last scheme, and this was not found by Members to be unacceptable. On this basis, I consider that 42 spaces are acceptable for this development.
- 115 Kent Highways advised under the previous scheme that, as a safeguard, a refundable sum should be provided by the developer for the provision of traffic management orders (parking restraints) should they subsequently prove necessary following the development. This would, for example, allow for the provision of yellow lines near road junctions if deemed necessary. I consider that such a safeguard should also apply to this scheme and having discussed this with the Council's Parking and Amenity team, a sum of £3,000 has been agreed in principle. This would be secured via a S106 agreement, and the applicant has agreed to fund this.
- 116 The NPPF states that developments should be well located to maximise the use of sustainable transport modes. In this instance, Mill Lane is on a bus route, and the site is around 700 metres from the Bat and Ball station, and a similar distance from shops and facilities on St. Johns Hill. I consider this site offers sustainable transport choices and services, in accordance with the NPPF. Policy EN1 (6) and (10) of the local plan seeks to ensure that suitable parking is provided and that developments would not cause unacceptable highways impacts. Taking the advice from Kent Highways into account, I would take the view that the development would accord with this policy.

Affordable housing and other S106 Requirements

- 117 Policy SP3 of the Core Strategy requires housing developments to make provision for affordable housing. In this instance, the policy would normally seek a requirement for 40% of the units to be affordable, which numerically would amount to 11 units (rounded up).
- 118 The applicant has submitted a viability statement which sets out that the development would not be viable if 11 affordable units were provided. The statement has been examined by the Council's viability consultant and following this exercise, it has been established that the development can continue to support 6 affordable units – which was the level of affordable housing offered under the previous scheme. The applicant proposes to allocate the proposed mill building and two units within Block C as the affordable units, and has reached an agreement with the West Kent Housing Association to take these units.
- 119 Policy SP3 does allow lower levels of affordable housing provision on sites where viability is proven to be an issue, and I am satisfied that this is the case on this site. On this basis, the reduced level of provision would accord with Policy SP3. It would provide the same number of units as the previous scheme, which Members did not find unacceptable.

- 120 Other S106 requirements – the development would generate a need towards contributions towards KCC and NHS Trust services, as specified earlier in the report. The payment of these is agreed by the applicant. On this basis, the development would contribute towards infrastructure provision, in accordance with Policy SP9 of the Core Strategy.
- 121 The applicant has submitted a draft S106 agreement to secure the affordable housing and financial contributions required as a result of this development. Whilst, at the time of writing this report, the S106 has not been completed, it is likely that this will have taken place prior to the Planning Committee meeting. Members will be updated on this in the late observations. The submission of a S106 is required to make this development acceptable and would also overcome refusal reason 3 of SE/12/00881.

Other matters

Drainage

- 122 A number of local residents have raised concern that the existing sewer connection in Mill Lane is inadequate, and that flooding can occur which brings sewage into the road, often occurring following bouts of heavy rainfall. Having investigated this further, it appears that a shared sewage and storm water pipe takes waste and surface water from Mill Lane, and that problems can occur when excessive volumes of surface water enter the pipe, leading to overflow problems.
- 123 This facility is operated by Thames Water, who have provided comments on the application. Thames Water recognise that the waste water infrastructure is insufficient to accommodate the additional demand generated from the development, and have requested that a condition is imposed on any permission to require a drainage strategy to be agreed with the developer to ensure that it would not make conditions any worse. This would be secured by condition. Policy EN1 (9) of the Local Plan requires developments to meet the requirements of statutory undertakers and service providers. Subject to imposition of the condition as requested by Thames Water, I am satisfied that the development would accord with this policy. Members will recall that whilst this matter was debated during the course of the last application at Committee, they did not refuse the application on such grounds.

Air Quality

- 124 The Environmental Health Officer has commented that whilst the site is not within an AQMA, most traffic from the development will join the A25 and pass through either the Bat and Ball junction or through Seal High Street, or access the town centre via Seal Hollow Road. Bat & Ball, Seal High Street, and the Town Centre are all designated Air Quality Management Areas due to traffic pollution. Whilst the additional traffic from this site in isolation is not considered to significantly worsen air quality, it would add to creeping traffic growth and the EHO considers that a sum of £10,000 should be secured to contribute towards measures within the Council's Air Quality Action Plan and for monitoring purposes. This has been agreed by the developer, and would assist to mitigate against impact on air quality, in accordance with Policy SP2 of the Sevenoaks Core Strategy.

Ecology

- 125 An ecology report has been submitted with the application. It identifies the potential presence of bats in existing buildings, and mitigation measures include the provision of bat lofts within the development, in addition to other ecological enhancements. These are to the satisfaction of the County Ecologist. On this basis I am satisfied that the development would maintain and contribute towards biodiversity, in accordance with Policy SP11 of the Core Strategy.
- 126 Contamination – Former uses of the site may have caused contamination of the land, and the site is also close to a major aquifer. As such, the Environment Agency has requested that conditions are applied to any planning permission to deal with any contamination found, and to control foundation works such as piling.
- 127 Public Footpath – The KCC Rights of Way officer has requested that a sum of £5,000 is secured from the applicant to upgrade the adjacent public footpath. This matter was not raised as part of the last application, and the applicant has stated that the financial viability of the development is already marginal, taking into account the contributions required above together with the on-site affordable housing to be provided. As the applicant has submitted a viability statement to demonstrate the development finances, I do not consider that the Council could reasonably require this further sum of money.

Conclusion

- 128 The principle of residential development is accepted on this site, as evidenced by its inclusion in the Council's ADMP and the lack of objection to this principle under the last application. The key issues are whether the specific design changes to Block E have overcome the grounds of refusal under SE/12/00881. For the reasons set out in detail above, I consider that the reduction in the height and scale of this building does overcome these grounds. The third reason for refusal of SE/12/00811 related to the failure of the applicant to complete a S106 agreement. This is being addressed as part of this application and it is likely that the agreement will be completed prior to this committee meeting.
- 129 In other respects, the development seeks to rebuild a large part of the mill building, but to essentially replicate the form and design of the existing building, to maintain the historical connection and landmark status of the building – and it is considered that this would be an appropriate way forward for this undesignated heritage asset. The layout, design and scale of the remainder of the proposal, incorporating the changes to Block E, is considered to complement the context of the site and mill building, whilst respecting the character of the wider residential area and the amenities of existing neighbouring properties. Sufficient parking would be provided and the traffic generated would not lead to unacceptable highways conditions. Matters relating to drainage can be addressed via a planning condition. The scheme would secure the redevelopment of a largely brownfield site in a sustainable location, would secure on site affordable housing and other contributions towards local infrastructure.
- 130 Taking the above factors into account, I would conclude that the development accords with national and local development plan policies and would recommend that planning permission be granted.

Background Papers

Site and Block plans

Contact Officer(s): Mr A Byrne Extension: 7225

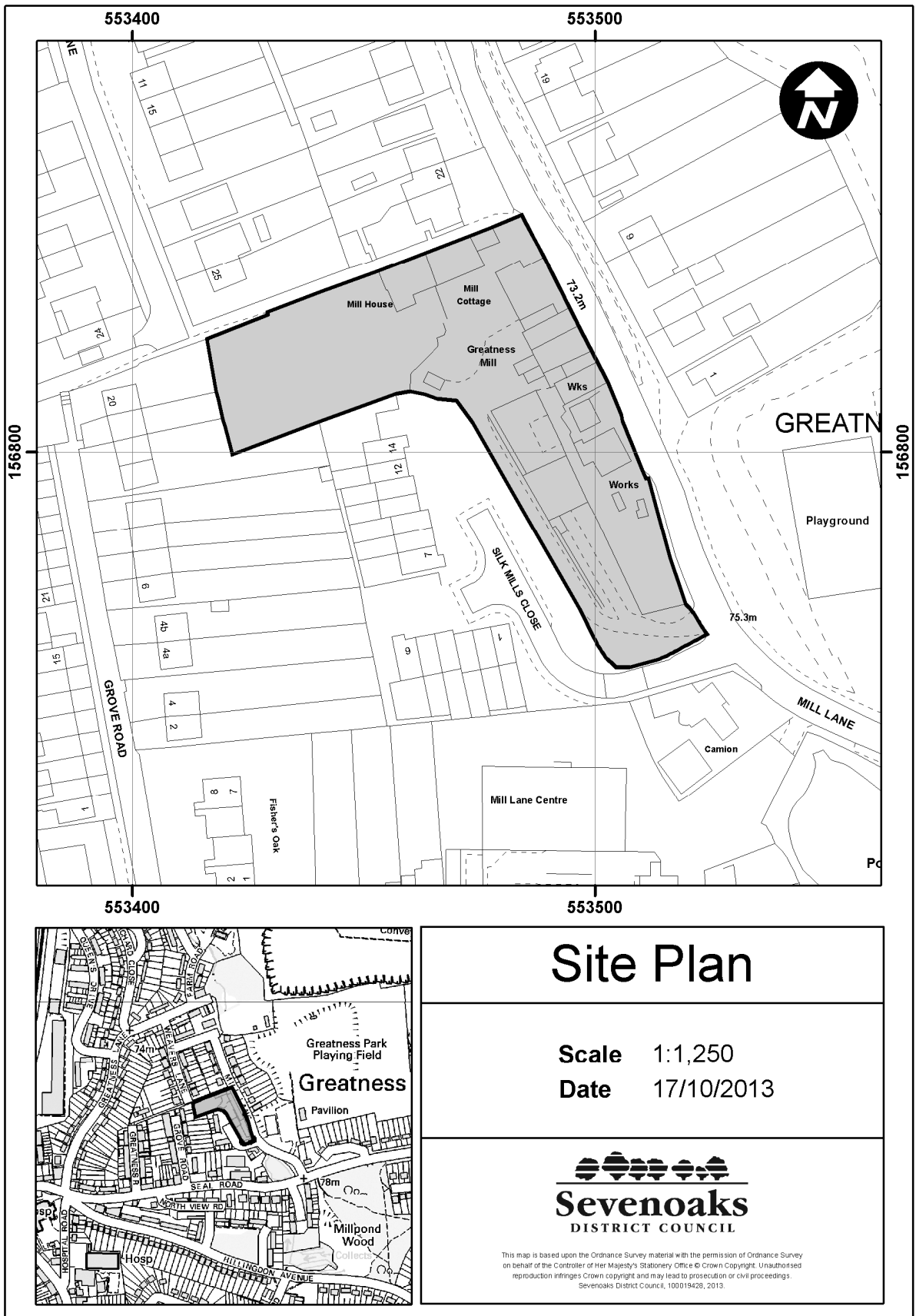
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MNT25KBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MNT25KBK8V000>



Site Plan

Scale 1:1,250
Date 17/10/2013



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Sevenoaks District Council, 100019428, 2013.

Block Plan

