

4.1 - SE/14/02577/FUL Date expired 6 October 2014

PROPOSAL: Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.

LOCATION: Ragstones, 1 The Vine, Sevenoaks TN13 3SY

WARD(S): Sevenoaks Town & St Johns

#### **ITEM FOR DECISION**

Councillor Fleming has referred the application to Development Control Committee on the basis of over development, design, conservation and lack of affordable housing contribution.

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

1) The development hereby permitted shall be begun before the expiration of 3 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: E-001, P2001A, P2002A, P3010C, P7001A, P7002A, P7003A, P7004A.

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

3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works

To protect the amenities of the locality

4) Prior to occupation of the development, the landscaping details as shown on approved plan P2002A shall be implemented, and shall be retained thereafter unless otherwise approved in writing by the local planning authority.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

5) 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 protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) 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 development 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 conservation area as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

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

8) Notwithstanding the submitted plans, no development shall take place until details of a revised layout of the areas for the parking of cars has been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times

To ensure the permanent retention of sufficient vehicle parking for the property as supported by Policy EN1 of the Sevenoaks District Local Plan

9) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the construction of the development.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

10) Details of cycle storage provision shall be submitted in writing to the local planning authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.

In the interests of sustainable transport provision.

11) Details of obscure glazing of the flank windows shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the building and retained thereafter.

To safeguard the privacy of neighbouring residents as supported by Policy EN1 of the

## Sevenoaks District Local Plan.

12) Details of all boundary and enclosure treatments of the site including, location, height and materials shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to occupation of the development and retained thereafter.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

### **Informatives**

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

### **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](http://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) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

### **Description of Proposal**

- 1 Demolition of existing dwelling to provide 5 new residential units with under croft parking and associated landscaping and visitor parking.

## Description of Site

- 2 The application site consists of a large plot containing a detached two storey dwelling. It has an extensive rear garden and sits within the Vine Conservation Area, and the urban confines of Sevenoaks.
- 3 The site is bounded to the north by Belmont, a detached gable and pitch roof building of 2-3 storeys in yellow brick, and to the south by Pavilion Gardens, a 3 storey, gable clay tile hung block of apartments.
- 4 In front of the site, to the East lies the Vine Cricket Ground which includes the listed Pavilion building.
- 5 The application site is in excess of 33m in length with further gardens from The Drive backing onto it.

## Constraints

- 6 Vine Conservation Area

## Policies

### *Sevenoaks District Local Plan*

- 7 Policies – EN1, EN23

### *Core Strategy*

- 8 Policies – SP1, SP2, SP3, SP7, LO1, LO2

### *ADMP*

- 9 Policies – EN1, EN2, EN4,

### *Other*

- 10 NPPF
- 11 Supplementary Planning Document – Affordable Housing
- 12 Vine Conservation Area Management Appraisal

## Planning History

- 13 14/00680/FUL - Demolition of existing dwelling to provide 5 new residential units with undercroft parking and associated landscaping and visitor parking.  
Withdrawn

## Consultations

### *Sevenoaks Town Council*

- 14 ‘Sevenoaks Town Council *unanimously recommended refusal on the following grounds:*

*i The proposal constitutes overdevelopment, and is larger than the previously withdrawn application for the site.*

*ii. The proposal is contrary to guidance set out in the conservation area appraisal, damaging to the area's feeling of spaciousness, and resulting in a terracing effect due to the use of the full width of the plot*

*iii. The proposal would necessitate the loss of a substantial holm oak tree contributing to the character of the conservation area*

*iv. The proposal is out of keeping with neighbouring properties due to being 4 storeys high*

*Informative: it has been reported to the Town Council that many of the "not to scale" drawings do not accurately show the relationship the proposal would have with neighbouring properties.'*

### Highways

15 Kent Highways has commented:

*'With regard to a resident's comments about the junction of The Vine and Dartford Road, according to crash records for the years 2005 - 2013 this location does not have a history of any personal injury crashes. I would suggest that local residents will be familiar with the issues here and will take appropriate action.*

*It is also worth noting that neither the proposed car parking spaces nor the cycle parking spaces comply with the dimensions recommended in the Kent Vehicle Parking Standards SPG4.*

*I do not intend to raise any objections to the proposals.'*

### SDC Arboricultural Officer

16 SDC Arboricultural Officer has commented:

*'I consider the real question here is if the amenity that this tree offers is sufficient to refuse this application. My opinion is that it does not. As much as I consider the removal of the Oak tree to be a loss, I cannot in this instance justify an objection to its removal for the purposes of redevelopment as proposed.*

*Should consent be granted, I consider substantial landscaping to the frontage to be important to the scheme and as such this should be conditioned. '*

### Representations

17 12 notifications of objection have been received which raise the following points:

- The proposal is not in keeping with the conservation area. It is out of scale and too high
- The proposal represents overdevelopment of the site.
- It fails to respond to the local distinctiveness of the area.
- The proposal does not allow for gaps either side of the building and extends further forward and backwards in the site than the existing building

- The style and size of the building is inappropriate for the area.
- The proposal would have a detrimental impact on the appearance of the streetscene and the historic Vine
- There is a protected oak tree in the garden which must remain
- The proposal will create additional noise and traffic pollution and the provision of parking raised above the level of adjoining gardens is unacceptable.
- The use of the rear garden for communal gardens would be out of keeping in an area of traditionally single family dwellings.
- The design and materials proposed for the scheme are out of keeping with the locality.
- Subsequent amendments may make the scheme even more unacceptable.
- The proposal will substantially overlook neighbouring properties and remove all privacy to rear gardens.
- Outlook from neighbouring occupiers will be destroyed.
- The development will affect the surface and groundwater flows
- The footprint of the proposal extends beyond the existing dwelling
- The development may impact the pine trees at the rear of the site which are of great visual amenity value to the area.
- Would access for emergency vehicles be possible? Parking needs to be carefully considered.
- The impact of construction should be carefully considered
- There is no Housing land Supply issue and therefore para14 of the NPPF is not triggered.

### **Chief Planning Officer's Appraisal**

- 18 Policy EN1 of the Local Plan identifies a broad range of criteria to be applied in the consideration of planning applications. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 19 The development should respect the topography of the site and retain important features. Criteria 3 states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 20 The proposed development should not result in the loss of important buildings or related spaces and should ensure a satisfactory environment for future occupants.
- 21 Development should ensure a satisfactory means of access for vehicles and pedestrians and provide parking facilities in accordance with the Council's approved standards
- 22 Policies EN1 and EN2 of the ADMP reiterate these considerations relating to amenity and design.
- 23 Policy EN23 of the Local Plan states that development within conservation areas should preserve or enhance their special character and appearance. The design

of new buildings should respect local character, whilst the treatment of external spaces, should be compatible with and enhance the appearance of the area.

- 24 Policy LO1 of the Core Strategy states that development will be focussed within the built confines of existing settlements. Policy LO2 places an emphasis on the Sevenoaks area as the principal focus for development.
- 25 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. The districts heritage assets will be protected and enhanced.
- 26 Policy SP2 requires all new homes to achieve at least Level 3 of the Code for sustainable homes.
- 27 Policy SP3 requires the provision of an affordable housing contribution in any development that results in the net gain of a residential unit.
- 28 Policy SP7 states that within the urban area of Sevenoaks, new residential development will be expected to achieve a density of 40 dwellings per hectare. It also states that new housing development should be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.
- 29 The Conservation Area Appraisal identifies key issues within the conservation area as:
- Parking pressure and associated clutter;
  - Maintenance and replacement of inappropriate standard features;
  - Loss of characteristic houses on large plots and their replacement with smaller uncharacteristic smaller houses or flats;
  - Loss of traditional details;
  - Presence of cheap low-quality UPVC double glazed windows. This is perhaps less prevalent than it has been in previous years, although landlords and house owners wanting to make spurious savings on maintenance and increases to thermal efficiency still insist on these inappropriate changes;
  - Inappropriate change of use from single family house to flats. There are different planning rules relating to flats and commercial properties which should be noted.
  - At least one property in St Botolph's Road was noted with PVCU windows. This does require planning permission as this house is being used as flats. UPVC is inappropriate and original timber windows should always be repaired.
  - A lack of maintenance in the public realm extends to the private arena. Houses must be regularly maintained and painted. The use of inappropriate materials should be discouraged.

- 30 It goes on to recognise that:

*'Any new development should encourage high quality and innovative design that reflects local identity and distinctiveness and promotes healthy, safe and secure living and working environments. The design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but*

*the townscape and landscape of the whole area. The pattern and pedestrian scale of existing local streets and spaces should help determine the character and identity of the new development...*

*...All development in the conservation area, must respond to its immediate environment and context, in terms of scale, density, form, materials and detailing. Applicants for planning permission must provide a "Design and Access Statement", to justify the design decisions that have been made as the scheme was developed and to show how proposed alterations relate to their context. Where appropriate long views of and from the site must be taken into account. Proposals which fail to respect the local contextual framework or the scale, height, proportion and materials of the local area will not normally be permitted.'*

- 31 Permission is sought for the demolition of the existing dwelling, and the erection of a 5 unit apartment block, 4 storeys high with a basement level. The proposal presents two gables on the front elevation along with a flat roofed side element. 2 bays project over two storeys on the frontage, providing terraces for the 3<sup>rd</sup> floor units.
- 32 The roof level element is contained within the main pitched roof of the development. Two rear roof terraces are shown which provide the two units at this level with amenity space. An obscure glazed screen is shown to screen these terraces from the north and south.
- 33 The rear elevation contains one projecting two storey bay with a roof terrace above. 3 roof terraces are provided in the rear at the ground, first and second floors of the development. The side elevations both present blank walls with windows inserted.
- 34 Basement parking is provided, that is accessed to the side of the property via an undercroft. The basement also contains a residential unit that has a rear garden contained within a lightwell. The main ground floor rear garden is shown as landscaped with rising levels to the rear boundary of the site to accommodate the basement parking provision. At the rear of the site, the garden is shown as built up to a height of 2m with a planted screen of 1.1m above this.
- 35 The proposed block extends to a maximum height of 14m to the ridge height, although levels across the site do vary. The proposed block sits 40cm to the boundary with Pavilion Gardens to the South, and 3.2m to the boundary with Belmont to the North. The development maintains setback within the plot of minimum 10.5m to the most forward projecting bay (12.2 to the entrance bay), and leaves a stretch of garden of approx. 35.8m to the rear boundary of the application site.

#### *Principle of development*

- 36 The site lies within the urban confines of Sevenoaks but outside of the Town Centre. As such, the development of the site is supported by Core Strategy policy which seeks to located development within the built confines of existing settlements. Sevenoaks is identified as a location where provision will be made for significant housing development where it protects the distinctive character of the local environment.



- 37 The site area is 0.13Ha and the density of the proposed development amounts to 38.46 Units/Ha. Although this falls slightly below the density that the developments in this location are expected to meet, it takes account of the particular constraints of the site including its appearance within the streetscene and within the conservation area. Any greater a density would have a detrimental impact on the distinctive character of the area. The proposal would not result in an overdevelopment of the site.

*Design and Appearance: Impact on the Conservation Area*

- 38 The bulk of the proposed development would be compatible in terms of scale, height, density and site coverage with other buildings in the locality and within the street scene. Although the proposed dwelling is larger than existing, it would still sit comfortably within the plot. The maximum ridge height of the proposal is slightly lower than the neighbouring Pavilion Gardens development, and only 1.5m higher than the height of Belmont. In terms of its height, it therefore sits within its setting in a congruous manner which reads acceptably within the streetscene and within the wider conservation area.
- 39 The proposal maintains only a small gap of 0.4m to its southern boundary. This is comparable with the existing Ragstones property which currently maintains only a 0.5m gap. However, a gap of 1.6m would be retained between the flank wall of the proposal and that of Pavilion Gardens. This gap between built forms would prevent any appearance of terracing. A gap of 5.7m would be maintained between the proposed development and the flank wall of Belmont to the North. This spacing is considered appropriate to and reflective of the existing character of the locality.
- 40 The proposal extends further back into the plot than the existing dwelling, but only by an additional 2.5m from the rear building line of pavilion gardens, and similar to the rear building line of Belmont. A substantial extent of garden would be maintained to the rear of the site and as such, there is a greater protrusion into the site than the existing, but the resulting relationship with the neighbouring buildings is considered acceptable and the resulting visual amenity of the locality is acceptable.
- 41 Objections have been raised about the built up form of the plot throughout the garden which accommodates the basement parking below. This would gradually increase the rear garden height over a distance of 23.5m to a maximum of 2m above ground level where a boundary wall would retain the increased height. The details of the boundary treatment can be conditioned to ensure an acceptable treatment to the retaining structure and the site boundary above.
- 42 This 2m built up height would drop back to the 'natural ground level' within the development plot at which point, there would be an additional 10.2m of garden space for units 4 and 5 of the proposal. As such, the increased bulk of the garden would have no impact on those gardens to the rear of the site in the Drive or St Botolphs Road.
- 43 The significant distances between the increased ground level and the neighbouring dwellings to the side and rear, in addition to the gradual increase along the garden, and the fact that it can be screened by way of a hard and soft landscaping condition mean that this element of the proposal, while not ideal, is considered acceptable and would have no impact on neighbouring amenity.

- 44 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132). Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 45 The Planning (Conservation Area and Listed Building) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 46 The design of the new building would relate sympathetically to the character of the conservation area. The elevational treatment and roofline of the building would harmonise with the architectural style which is found within the locality. An easily identifiable entrance has been created which provides legibility to the building. The boundary treatments are shown to match in with the neighbouring plots, and would appear coherent within the streetscene.
- 47 The proposal would result in the loss of a building within a conservation area. The existing Ragstones building is of no particular architectural quality or value within the conservation area. It is not identified as a building that contributes to the character of the conservation area.
- 48 The architectural expression of the proposal would make a positive contribution to the character of the conservation area and would reinforce local distinctiveness.
- 49 It is therefore compliant with para. 131 of the NPPF, which requires new development to make a positive contribution to local character and distinctiveness, and para. 60 requiring LPA's to seek to promote or reinforce local distinctiveness. The proposal would enhance the character or appearance of the conservation area, in accordance with the requirements of the conservation area appraisal, and would appear as a congruous and harmonious building within the streetscene.
- 50 The site can be viewed from long views across the cricket green. The ability of the proposal to relate to the local distinctiveness of the area would ensure that it would not have a detrimental impact on this designated heritage asset.
- 51 The proposal would result in the removal of an Oak tree on the site. After extensive discussion and examination of the site, the Arboricultural Officer has concluded that the amenity afforded by the tree by its limited view was not such that the resistance to its removal could be maintained. The pine trees at the rear of the garden are not shown as being affected and no objection to the proposal on the basis of impact to these has been raised by the Arboricultural officer
- 52 The proposal includes a substantial landscaping scheme which shows 2 acceptable replacement trees.

#### *Impact on residential amenity*

- 53 The proposal would introduce an additional 2 storeys of living accommodation (albeit one in the roof) above that currently on site which could potentially result in unacceptable overlooking and loss of privacy from the rear of the proposal. However, the extent of garden to the rear of the proposed building – at least 35m, along with the oblique angle of development in relation to the properties at the

rear – in the Drive and St Botolphs Road - mean that this impact would be mitigated to an acceptable degree. Due to the siting of the proposal in relation to the two neighbouring buildings and their front and rear building lines, the orientation of the building, and the type of additional windows in the 2<sup>nd</sup> floor above of the flank elevation – kitchen and landing, the proposal would not result in a significant impact on daylight or sunlight. Any potential loss of amenity through overlooking to the neighbouring buildings can be mitigated to an acceptable level through the imposition of a condition requiring details of obscure glazing to the side windows.

Consultation responses have raised concern about noise and traffic pollution from the parking provision. This would be enclosed within a building structure and as such, it is considered that it would not be obtrusive to neighbouring occupiers. The raised garden level would work with the sloping level of the land and, while it would introduce additional bulk to the side boundaries of the site, this is not considered intrusive enough to warrant refusal of the scheme. It would not impact on the amenities of the adjoining buildings. The development to the South, Pavilion Gardens, has access and parking adjoining the rear garden of the application site and therefore the raised structure would have no adverse impact on the amenity of this space. The garden to the north of the site – Belmont – is 13.5m wide and is well screened by existing and proposed vegetation. As such, there would not be a significant detrimental impact on the amenity of this space

#### *Affordable Housing*

- 54 The application has been submitted without a legal agreement regarding an affordable housing contribution. A viability assessment has been submitted by the Applicant which concludes that implementation of the proposal would result in a financial deficit.
- 55 The viability assessment has been checked by the Councils independent consultant who has produced a report which concludes that the viability assessment submitted with the application is an accurate reflection of the viability of the proposal.
- 56 Therefore, although no affordable housing provision is offered, the proposal does accord with the requirements of policy SP3 of the Core Strategy because it has been demonstrated that the proposal is only viable with a zero contribution in line with the Affordable Housing SPD.

#### *Highways and Parking*

- 57 Kent Highways have raised no objection to the parking provision on site, or to the impact of an increase in traffic movements. Details of the parking layout and the provision of cycle spaces can be dealt with by condition. Therefore this aspect of the scheme is considered to be acceptable.
- 58 Concern has been raised about emergency access to the site. Kent Highways have raised no objection to this and it is therefore considered to be acceptable. The development is accessible through the front entrance and if an emergency service needed to gain access to the site, this could be achieved through the front entrance. In the case of an emergency, a vehicle could park on road in front of the building.

## Other matters

- 59 Concerns have been raised about surface water runoff and drainage of the site. A condition could be applied so that the applicant must demonstrate a sufficient drainage arrangement to deal with this.
- 60 A condition could be applied to ensure that the development would comply with level 3 of the Code for Sustainable Homes. Implementation and retention of the hard and soft landscaping details submitted can also be secured via condition
- 61 Comments of concern have been raised about construction of the site given its proximity to residential units. This could be dealt with by way of a condition requiring a construction method statement to be submitted and approved prior to commencement of development.
- 62 Consultation responses have raised the issue that the application drawings are not to scale. The drawings have been submitted as scaled drawings and are understood to be accurate. If this were not the case, the Applicant would be unable to implement the permission as the implemented scheme would not reflect the approved plans. The plans have been annotated with 'For construction purposes do not scale from this drawing. Used figured dimensions only' This is a reference for building purposes as separate building regulation plans would be drawn up for construction purposes. It does not mean that the planning drawings are incorrectly scaled.
- 63 At the heart of the NPPF is a presumption in favour of sustainable development. This should be seen as a thread running through plan making and decision taking. Paragraph 1 states that development that accords with the development plan should be approved without delay. An assessment of the proposal has found that the proposal is in accordance with the development plan, and therefore it is recommended that planning permission be granted.

## CIL

- 64 The application is CIL liable and no exemption has been sought.

## **Conclusion**

- 65 That planning permission is granted.

## **Background Papers**

Site and Block plans

Contact Officer(s):

Joanna Russell Extension: 7367

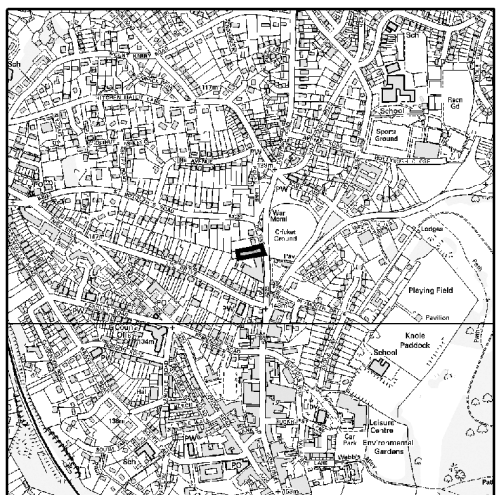
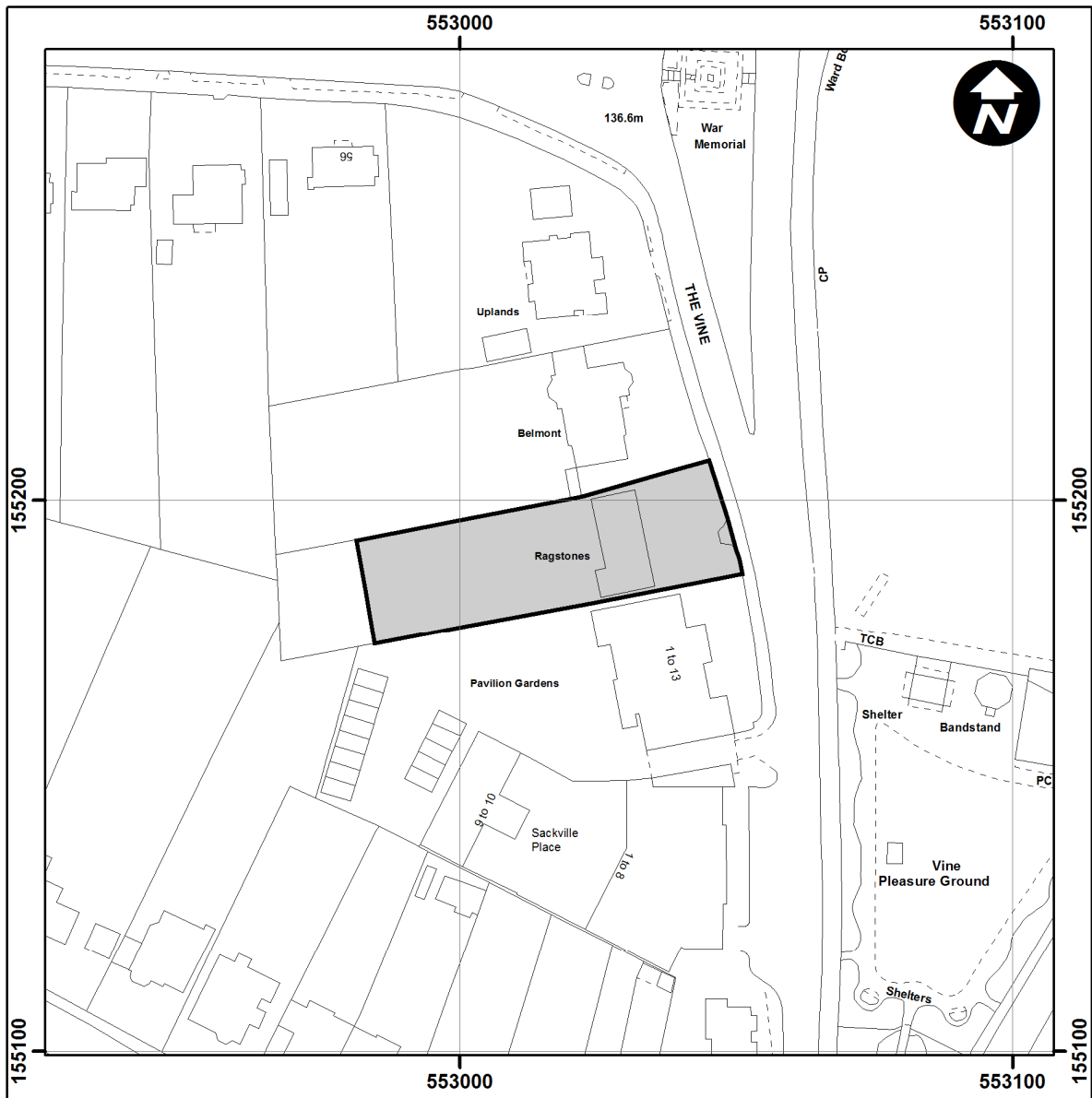
**Richard Morris**  
**Chief Planning Officer**


Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NA4RNIBKGT00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NA4RNIBKGT00>



<h1>Site Plan</h1>	
<b>Scale</b>	1:1,250
<b>Date</b>	30/09/2014
 <p><b>Sevenoaks</b> DISTRICT COUNCIL</p>	
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# Block Plan

