

PROPOSAL: Conversion of existing public house into one 4 bedroom and one 3 bedroom dwelling. The conversion of the detached summer house into a two bedroom dwelling, construction of two new dwellings to incorporate one 4 bedroom, and one 3 bedroom units, together with associated parking facilities.

LOCATION: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal TN15 0AJ

WARD(S): Seal & Weald

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the Officer's recommendation is at variance to the view of the Parish Council and at the request of Councillor Hogarth who has concerns about the loss of the pub as a service and facility that serves the local community.

RECOMMENDATION A: That subject to the receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution, that authority be delegated to the Community and Planning Services Director to GRANT planning permission with any required amendments to the conditions:-

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

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

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 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 maintain the integrity, character and settings of the Listed Buildings and to preserve the character and appearance of the Conservation Area as supported by Planning Policy Statement 5: Planning for the Historic Environment.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-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.

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

- 4) Soft landscape works shall be carried out before first occupation of the dwellings. The landscape works shall be carried out in accordance with the approved details.
- To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.
- 5) If within a period of five 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 preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.
- 6) The recommendations outlined within the Arboricultural Report dated 30th June 2011 shall be adhered to at all times during the period of construction.
- To ensure the long term retention of mature trees on the site as supported by Planning Policy Statement 9: Biodiversity and Geological Conservation.
- 7) No development shall be carried out on the land until full details of the surfacing within the root protection areas of the existing trees on the site and adjacent to it, and the construction of these areas, have been submitted to and approved in writing by the Council.
- To ensure the long term retention of mature trees on the site as supported by Planning Policy Statement 9: Biodiversity and Geological Conservation.
- 8) No development shall take place until details of the layout of areas for the parking of cars have 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 a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.
- 9) The development hereby permitted shall not be used or occupied until details of pedestrian visibility splays have been submitted to and approved in writing by the Council. The visibility splays shall be provided before the development is first used or occupied and thereafter shall be maintained free from obstruction at all times at a height not exceeding 0.6m above the level of the adjacent carriageway.
- In the interest of pedestrian safety as supported by policy EN1 of the Sevenoaks District Local Plan.
- 10) No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Council. The plan should include the provision of on site parking and loading, and wheelwashing facilities. The development shall be carried out in accordance with the approved plan.
- In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.
- 11) Prior to the commencement of the development hereby approved, a scheme of acoustic insulation and mechanical ventilation shall be submitted to, and approved in writing by the Local Planning Authority. The scheme should provide the residential units with adequate protection against noise and air pollution, the later to include

demonstrating that any alternative source of 'clean air' has acceptable or lower levels of pollution. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such.

To ensure a suitable living environment for future occupiers as supported by Planning Policy Guidance 24: Planning and Noise.

12) No development shall be carried out on the land until the findings of the site investigations recommended within paragraphs 10.5 and 10.6 of the Phase 1 Geo Environmental Desk Study dated June 2011 have been submitted to and approved in writing by the Council.

To ensure a suitable living environment for future occupiers as supported by Planning Policy Statement 23: Planning and Pollution Control.

13) The existing detached outbuilding as shown on the approved plan 3656-PD-02 Revision C shall be demolished and all materials resulting therefrom shall be removed from the land before development commences, or within such period as shall have been agreed in writing by the Council.

To prevent over development of the site as supported by Planning Policy Guidance 2: Green Belts.

14) No boundary walls, fences or other means of enclosure shall be erected on the site boundaries of the approved dwellings despite the provisions of any Development Order.

To maintain the integrity, character and setting of the Listed Buildings as supported by Planning Policy Statement 5: Planning for the Historic Environment.

15) No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by Planning Policy Guidance 2: Green Belts.

16) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwellings hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by Planning Policy Guidance 2: Green Belts.

17) The development of the pair of semi-detached dwellings 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. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site

installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

18) The development of the main pub building and summer house shall achieve a BREEAM Eco Homes 'refurbishment' minimum rating of "Very Good". Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve an Eco Homes Design Certificate minimum rating of "Very Good" 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 an Eco Homes post construction certificate minimum rating of "Very Good" or alternative as agreed in writing by the Local Planning Authority. Achievement of an Eco Homes rating of "Very Good" must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

19) The development hereby permitted shall be carried out in accordance with the following approved plans: 3656-PD-02 Revision C, 05 Revision A, 06 Revision B, 07 Revision C, 08 Revision A and 3656-04 Revision A.

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:

South East Plan 2009 - Policies CC1, CC2, CC4, CC6, H4, H5, T4 and BE6

Sevenoaks District Local Plan - Policies EN1, EN6 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO2, LO8, SP1, SP2, SP3, SP5 and SP7.

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

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The development would respect the fabric, character and setting of the Listed Building.

The development would preserve the special character and appearance of the Conservation Area.

RECOMMENDATION B: In the event that the legal agreement is not completed within four weeks of the decision of the Development Control Committee, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing

provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

Description of Proposal

- 1 The application seeks the approval of the conversion of the existing public house into two dwellings, the conversion of the detached summer house into a separate dwelling and the construction of two new dwellings adjacent to the pub building.
- 2 The proposal to convert the pub building would result in minimal external alterations to the building. An existing porch to the north-east corner of the building is proposed to be removed and replaced, a small ground floor roof overhang is proposed to be removed from the front elevation and a single storey rear projection is proposed to be replaced.
- 3 The proposal to convert the existing summer house building would again result in some external alterations including additions to the northern and southern ends of the building, as well as the insertion of several velux roof lights into the roof of the building and alterations to the existing doors and windows.
- 4 Finally, the new pair of semi-detached dwellings would stand in the existing gap between the pub building and 14 High Street to the east of the application site. The dwellings would be two storey in design, with accommodation provided within the roof of the buildings. A link would be created at first floor level between the two properties, below which access to the parking area to the rear would be provided. This link would add additional accommodation for one of the proposed dwellings. The design of the building would reflect detailing found within the locality including tile hanging, dormer windows and fascia board detailing.
- 5 Other works proposed include alterations to the large area of hard standing to the rear of the site that is proposed to be reduced in size and altered in shape to wrap around the rear of the summer house. It is also proposed to remove a detached outbuilding and small tress to the rear of the site.

Description of Site

- 6 The application site comprises a large detached pub building and its associate curtilage, which possesses a detached summer house building to the rear, a large rear garden area and a large area of hard standing along the eastern boundary of the plot. The side and rear boundaries of the site are bounded by some mature trees but views into the site from neighbouring properties, including the Seal Laundry site to the rear are available. The plot is fairly level, with the levels of the High Street dropping slightly from east to west.

Constraints

- 7 The site lies within the Seal Conservation Area, the Kent Downs Area of Outstanding Natural Beauty (AONB), and partly within the Metropolitan Green Belt and partly within the built confines of Seal. The site also possesses a number of trees covered by a Tree Preservation Order (TPO). Finally, the main pub building is Grade II Listed and the small Summer House building to the rear is curtilage Listed.

Policies

South East Plan

8 Policies– CC1, CC2, CC4, CC6, H4, H5, T4 and BE6

Sevenoaks District Local Plan

9 Policies– EN1, EN6 and VP1

Sevenoaks District Core Strategy

10 Policies– L02, L08, SP1, SP2, SP3, SP5 and SP7

Other

11 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Guidance 2: Green Belts (PPG2)

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)

Planning Policy Guidance 13: Transport (PPG13)

Planning Policy Statement 23: Planning and Pollution Control (PPS23)

Planning Policy Guidance 24: Planning and Noise (PPG24)

Seal Conservation Area Appraisal

Affordable Housing Supplementary Planning Document (SPD)

Planning History

12 SE/11/03105 Listed Building Consent for the conversion of the existing public house into one 4 bedroom and one 3 bedroom dwelling, plus the conversion of the detached summer house into a two bedroom dwelling. Pending consideration.

Consultations

Seal Parish Council

13 Comments received on 20.12.11 - 'Objection

- The Kentish Yeoman public house is situated centrally in Seal High Street and has traditionally been of importance to the vibrancy of the village and its associated community.
- Policy L07 of the Local Development Framework seeks to resist the loss of community services and facilities, unless under exceptional circumstances the financial viability of that service cannot be sustained.

- The applications documents provide no clear evidence on this point, and any business plan or financial projections to substantiate justification of the loss of the community service.
- The applicant has stated that he has been frustrated in his proposals to develop the facility by planning restrictions, although the Parish Council is unaware of, or has not been consulted on any planning applications to date. The Council would have considered any such application in a sympathetic way, as it is aware of the need to support local businesses.
- The Parish Council is conscious of local peoples' wishes to protect core services in the community and would view any application with sensitivity.
- There is evidence of the necessity for public houses in Seal as the remaining unit open is thriving, and with limited parking facilities is unable to cope with the current demand with inherent problems for local people.
- According to the local shops in the High Street, the closure of the Kentish Yeoman has already had a detrimental effect on their businesses.
- The Parish Council has carried out in 2010 a Parish wide questionnaire. Question 21 asked, "Do you think planning rules should be used to protect local pubs and shops from closure and conversion to housing if at all possible?" The response from Seal Ward of the Parish Council to this question was 84% in favour of the statement.
- Turning to the application details, it is the view of the Parish Council that the parking facilities shown in the application drawings are unacceptable, and would exacerbate the severe parking problems that pre-exist in the village of Seal.
- Furthermore, Policy L07 of the Local Development Framework states, "Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served". The change of use to this site as proposed does not satisfy that criteria.
- The Parish Council is also concerned that the proposal constitutes over-development of the site.'

Conservation Officer

14 Comments received on 03.01.12

- 'These proposals follow detailed discussions. The listed building lends itself very well to a vertical subdivision and little is necessary in the way of alterations to achieve this. The removal of out of scale front porch would be an improvement to the appearance of the building. The additions proposed are modest, in scale and reasonably necessary to facilitate the residential uses. The agent has confirmed that no alterations are proposed to the cellar and that all the existing windows will be retained and refurbished. It is on this basis that I recommend consent to the conversion. This should be subject to samples/details of materials, no walls or fencing within the site except to the frontage as indicated. The conversion of the curtilage listed summer house is also acceptable, with the alterations shown and subject to

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the necessary details. The proposed removal of the unattractive modern store in the rear garden is welcomed.

- With regard to the proposed new houses, these would be in scale and character and enhance the CA. It is commendable that the architects have taken inspiration from the design of the long lost cottages originally on this site.'

Kent Highways Engineer

15 'I refer to the above application as amended and with Site Plan dated 16/8/2011.

- The proposed parking provision is at the limit of what is acceptable. Tandem parking as shown on the Site Plan is difficult to use if both cars are used regularly, and it is likely that residents will park between the trees at the south end of the site instead. If this happens, there may be no parking space available on site for visitors to use.
- I would recommend a minor change to the drawings to widen parking space "Number 1 Unit 4" to 2.7 metres, because it is adjacent a fence, and the additional width will allow easier access to the cars parked there.
- I do not intend to object to this application, but would request that the following conditions are applied to any permission if granted:
 1. Pedestrian visibility splays of at least 1 metre x 1 metre to be provided on either side of the driveway where it meets the footway of the High Street, and no object higher than 0.6 metres to be permitted in the visibility splays at any time. (Reason: pedestrian safety);
 2. Standard condition for means to prevent deposit of mud, grit or other material on the highway during construction. (Reason: Highway safety);
 3. During construction, no vehicles to reverse onto or off the site except under supervision of a banksman (Reason: Highway Safety).'

Environmental Health Officer

16 Comments received on 14.07.11

- 'The site is subject to high levels of road traffic noise from the A25. The applicants have used an acoustic consultant to undertake a noise assessment based on measured noise levels. PPG 24 gives guidance on noise for residential developments based on Noise Exposure Categories (NECs) defined in the guidance. Of the 4 NECs (A,B,C,D) PPG 24 advises that planning permission should normally be refused if a development falls into NEC C or NEC D.
- NEC
 - A Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.

B Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

C Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

D Planning permission should normally be refused

- Noise Exposure Category

Road Traffic

	A	B	C	D
07.00 - 23.00	<55	55 - 63	63 - 72	>72
23.00 - 07.00	<45	45 - 57	57 - 66	>66

- The noise assessment reports a 'daytime level of 70 and a night-time level of 65, Both fall in the upper part of NEC C band and are only 2 dB off NEC D.
- I would therefore recommend refusal of the application based on PPG24 advice.
- If however you are minded to approve the development a scheme of noise protection would be required to include mechanical acoustically protected ventilation so occupants do not have to compromise the acoustic protection by opening windows for ventilation.
- The traffic which causes the noise problem is also responsible for high levels of air pollution along the A25 including through Seal High Street. As a result an Air Quality Management Area (AQMA) has been designated along this road in Seal and this site falls within it. The occupants may therefore be exposed to levels of air pollution that exceed national objectives set in air quality regulations and which could be harmful to health. PPS23 advises that in these circumstances air quality may be a material planning consideration. The applicant has not addressed this issue and has not demonstrated that the occupants of the dwellings will be suitably protected against traffic pollution. I do not therefore recommend approval of the application until the applicant has satisfied us on this issue.

17 Further comments received on 30.01.12

- 'This does not overcome the PPG 24 guidance which recommends refusal on noise grounds. Nor does it overcome my concern about introducing new residential occupation in an area of poor air quality - air pollution can adversely affect health.
- If however you are minded to approve the application then acoustic protection of at least that recommended in the report should be provided.

- Mechanical ventilation to allow front windows to be kept shut to keep out noise is needed, and to provide cleaner air sourced away from the air pollution along the road. The information provided by the applicant is inadequate. Where are the air intake/s, where does the air discharge into rooms, what air changes are achieved, what noise levels are emitted from the plant, ducts and air discharge - so that the internal environment is acceptable with the plant running.
- I do not accept that the applicant has demonstrated that the issues of ventilation has been satisfactorily dealt with.
- If however you are minded to approve this application then these issues could be made a condition.
- Please note the contaminated land assessment recommends additional investigations.'

Tree Officer

18 Comments received on 21.12.11

- 'In general this proposal appears acceptable. The arb report appears thorough and the details within it should be adhered to throughout any consented to works. As specified within 10.3.6 of the report. I suggest a condition for the applicant to provide details of hard landscaping within RPA's inclusive of the proposed parking bays.'

Thames Water

19 Comments received on 29.07.11

- No objection received – see file note for full comments.

Representations

20 Four letters of representation have been received, three of which are from the same interested party, highlighting concerns regarding:

- The viability of the pub use;
- Parking;
- Impact on the Conservation Area;
- Traffic problems; and
- Air quality.

Head of Development Services Appraisal

21 The main issues in this case are the principle of the development, whether the site is previously developed land or a Greenfield site, the loss of the pub use, the potential impact on the fabric, character and setting of the Listed Buildings, the potential impact on the character and appearance of the Conservation Area and street scene, the potential impact on neighbouring amenity, the potential impact

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of noise and air pollution, the potential impact on the AONB, parking provision, the potential impact on highways safety, the provision for affordable housing and the potential impact on the Green Belt. Other issues include potential impact on trees.

Principal Issues

Principle of the development

- 22 PPS1 and PPS3 considers that in determining planning applications for new housing the LPA should have regard to:
- Achieving high quality housing
 - Ensuring developments provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people.
 - The suitability of a site including its environmental sustainability
 - Using land effectively and efficiently
 - Ensuring the development is in line with planning housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.
- 23 Policy SP7 of the Core Strategy states that all new housing will 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. In conjunction with the delivery of high quality design and in order to make good use of available land and encourage more sustainable patterns of development and services, housing densities of 30 dwellings per hectare are encouraged within the built confines of Seal.
- 24 Given the policy presumption in favour of the use of land within urban areas, which have good access to a range of services (in this instance Seal village centre and Sevenoaks town centre), there is no objection to the principle of re-development of the site for a more efficient housing use.
- 25 Taking into consideration the existing residential unit over the pub, the existing site provides a density of 4.17 dwellings per hectare. The proposed scheme would result in a density of 20.83 dwellings per hectare. However, given the character of the area, which is characterised by a mixed density of dwellings, the proposed density is deemed acceptable. Hence there is no objection to the principle of re-development of the site for a more efficient housing use.

Previously developed land or Greenfield site

- 26 PPS3 states that in identifying suitable locations for housing development 'priority for development should be previously developed land'. However, no explicit exclusion of development on Greenfield sites is contained within the document.
- 27 Annex B of PPS3 provides a definition for previously developed land stating that it is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This

definition excludes 'Land in built up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.'

- 28 The site currently possesses a large detached building, a smaller detached outbuilding to the rear and a large area of garden and hard standing to the side and rear. The proposed new dwellings would be sited adjacent to the main building and neighbouring properties where an area of hard standing is currently found. This area lies within the curtilage of the application site and forms part of the associated fixed surface infrastructure of the plot. I would therefore conclude that this part of the site would fall within the definition of previously developed land.

Loss of the pub

- 29 Policy L07 of the Core Strategy states that the loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served, or where it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable.
- 30 It is acknowledged that until recently the pub has been an important facility within the village providing an important service to the local community. However, the applicant has provided clear evidence that the pub is no longer a viable business.
- 31 The applicant states that the pub has closed four times in the last ten years, three of these closures occurring within the last five years. In addition to this, the applicant has made a significant investment into the business after taking it over. With income falling well below that required to break even it was no longer possible to continue. Finally, the applicant cites the cost of drinking at home against the cost of visiting a pub and the fact that the village continues to retain a pub.
- 32 In my opinion this justification submitted is sufficient to demonstrate that the continued operation of the pub is no longer financially viable. It is an unfortunate situation to lose an important community facility such as this one. However, the village retains a pub which will hopefully continue to provide the community if it demands this type of facility.

Impact on the Listed Buildings

- 33 PPS5 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- 34 As confirmed by the comments provided by the Conservation Officer, the main pub building lends itself very well to a vertical subdivision and little is necessary in the way of alterations to achieve this. Support is also given to the removal of the existing front porch, which would be an improvement to the appearance of the

building, and the additions proposed are modest, in scale and reasonably necessary to facilitate the residential uses.

- 35 In addition, the proposed new dwellings, to be constructed adjacent to the main pub building on the High Street, would not harm the setting of the Listed Building since the new building would be detached and the design of it would be in scale and character with the pub building.
- 36 Finally, the conversion of the curtilage Listed summer house is also deemed to be acceptable by the Conservation Officer, as is the removal of the unattractive modern store in the rear garden.
- 37 On this basis the Conservation Officer has recommended approval to the proposed development, subject to several conditions. It is therefore considered that the proposed scheme would preserve the fabric, character and setting of the Listed Buildings.

Impact on the character and appearance of the Conservation Area and street scene –

- 38 Policy EN1 states that 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. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 39 In addition to this, PPS1 also emphasises the need to achieve good design standards for new development and a high quality of urban design in the wider context. This document recognises that design issues are matters of proper public interest and the relationships between buildings in their wider setting is often as important or more important than individual designs.
- 40 PPS3 also states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. In addition to this it also states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 41 The character of the High Street is defined by the rows of buildings that are sited adjacent to the frontage of each individual plot. This has created a tightly-packed frontage to the street, with some spacing between buildings offering views beyond. The main architectural and historic interest of the High Street lies in its rich mix of contrasting styles and periods together with the panoramic way in which the street rises from west to east.
- 42 External alterations to the pub building are proposed to be minimal with the most obvious change being the removal of the large front porch, with a smaller side porch proposed to the eastern end of the building. A second external change to the frontage of the building would be the removal of a section of roof overhang attached to the existing ground floor bay window.
- 43 The most significant change to the frontage of the site would be the construction of the pair of semi-detached dwellings proposed to be erected between the pub building and the adjacent property to the east, 14 High Street. The design of

these houses reflects the appearance of the of the cottages that once stood on the site. The design also picks up on detailing found within the locality.

- 44 The height, bulk and scale of the proposed houses is wholly in keeping with the prevailing character of the area given the height, bulk and scale of surrounding buildings. In addition, the proposed dwellings would respect the lie of the land. The levels of the street drop slightly from east to west. This change in levels is exaggerated slightly by the fact that No.14 stands slightly higher than the pub building. However, the two new dwellings would step down in height to reflect these level changes and would create a visual link between the pub building and No.14.
- 45 I am also of the opinion that the site, in conjunction with the conversion of the main pub building, lends itself to development on this part of the plot. A large gap currently exists between the pub building and No.14, which is an unusual feature in the High Street. Given the overall size of the site the pair of semi-detached houses would sit comfortably on the plot in this location and the development would not result in over development.
- 46 Finally, it is the view of the Conservation Officer that the proposed new houses would be in scale and character and enhance the Conservation Area.
- 47 Overall, it is therefore considered that the proposal would preserve the special character and appearance of the Conservation Area and preserve the character and appearance of the street scene.

Impact on neighbouring amenity

- 48 Policies EN1 and H6B of the Sevenoaks District Local Plan require that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 49 Properties adjacent to the site are mainly commercial or residential in their use. Minimal alterations are proposed to the main pub and summer house buildings and so the conversion of these building would have minimal impact upon the amenities of the occupiers of neighbouring properties.
- 50 The proposed dwellings would be sited adjacent to 14 High Street, which has a similar two storey depth to the proposed houses but projects further into its plot at ground floor level. The proposed dwelling would therefore create no significant impact on the amenities of the occupiers of this neighbouring property.
- 51 Further to this no significant impact would be exerted on future occupants of the proposed units. Any overlooking between properties would be mutual and generally expected in an urban environment such as this. The proposed velux roof lights proposed to be inserted along the western flank of the converted summer house would each be over 1.7m high internally and so would not provide any outlook over the rear of Unit 2.
- 52 Overall, it is therefore considered that there would be no significant loss of amenities experienced by the occupiers of neighbouring properties to the site or by future occupants of the development.

Impact of noise and air pollution

- 53 PPG24 sets out noise levels that are acceptable in relation to new dwellings, those levels that require mitigation to make them acceptable and those that are unacceptable. PPS23 advises that in an Air Quality Management Area (AQMA) where occupants of properties may be exposed to levels of air pollution that exceed national objectives set in air quality regulations, and which could be harmful to health, air quality may be a material planning consideration.
- 54 The Environmental Health Officer has raised an objection to the proposal in terms of both noise and air quality. The site lies adjacent to the A25 and the traffic passing along this road are responsible for high levels of noise and air pollution.
- 55 The applicant has submitted an acoustic assessment which finds that the site would be subject to a noise level falling within category C as defined by PPG24. PPG24 advises that noise sensitive development in category C should normally be refused, and only permitted in special circumstances such as no alternative quieter development sites being available in the area. However, the applicant has demonstrated that it would be possible to mitigate against noise to reduce it to a level within category B. As such the Environmental Health Officer has commented that the proposal could be acceptable subject to a condition requiring a scheme of noise protection.
- 56 The applicant has acknowledged the issue of air quality, providing some information relating to ventilation the could be provided to the new dwellings, but this is currently not to the satisfaction of the Environmental Health Officer. However, the Environmental Health Officer has again commented that the proposal could be acceptable subject to a condition requiring a scheme for the ventilation of rooms fronting on to the High Street.
- 57 It is therefore considered that the proposal would not harm the amenities enjoyed by future occupants of the units, subject to the imposition of a condition to deal with matters of noise and air quality.

Impact on the AONB

- 58 Policies relating to the AONB requires development that falls within these areas not to harm or detract from the landscape character of the area.
- 59 The proposed development, including the new dwellings, would be seen in the context of the existing buildings that line the High Street. For this reason it is considered that the proposal would not to harm or detract from the landscape character of the AONB.

Parking and highways safety

- 60 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 61 The Highways Engineer has stated that the proposed parking provision is the minimal amount for the proposed development. As such, the Highways Engineer would not object to the proposal on the grounds of parking provision subject to the inclusion of a condition requiring a slight amendment to the dimensions of one of the proposed parking spaces.

- 62 In addition, the Highways Engineer has suggested a condition relating to visibility splays at the access onto the site to ensure pedestrian safety and highways safety generally. It is therefore considered that the proposal is also acceptable on the grounds of highways safety.

Affordable housing contribution

- 63 Policy SP3 of the Core Strategy requires that residential developments of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 64 Since the proposal would result in the net increase of four units then a financial contribution is required. An independent assessment of the value of the completed development has been provided. When the formula stated in the Council's Affordable Housing SPD is applied this would generate a requirement for a contribution of approximately J88,124.
- 65 It is accepted in Policy SP3 and in the Affordable Housing SPD that there will be some situations where the provision of an affordable housing contribution would render a scheme unviable. An appraisal of build costs relating to the conversion of the Listed pub building, along with an appraisal of the viability of the scheme to convert the pub building has been provided with the application. The appraisal submitted by the applicant suggests that the development would not be viable if the required affordable housing contribution was made for the converted pub building.
- 66 It is accepted that with a conversion of a Listed Building it is likely that build costs are going to be significantly greater than the cost of a standard new build. Together with other costs, including the recent purchase price of the pub building, professional fees and a profit, it is evident that a full contribution towards affordable housing provision would make the development unviable.
- 67 The applicant has accepted that full payment of the required contribution should be made for two of the remaining three units to be created, with one proposed to be retained by the applicant. This equates to a contribution of just under J30,000.
- 68 For this reason, the proposal is currently deemed acceptable, complying with policy SP3 of the Core Strategy. However, Members will note that the recommendation is for delegated powers to approve the application subject to the receipt of an acceptable Section 106 undertaking within 4 weeks of the committee date. If an acceptable Section 106 is not received before the expiration of this period, the application should be refused as failing to comply with SP3 of the Sevenoaks Core Strategy.

Impact on the Green Belt

- 69 Policy regarding the Green Belt contains a presumption against inappropriate development in the Green Belt. PPG2 states that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. (para. 3.12)

- 70 PPG2 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (para. 3.2)
- 71 The proposed development would result in a change of use of the land, including the rear garden area, which falls partly within the Green Belt. However, the proposed residential use of the site would have no greater impact on the openness of the area and would not conflict with the purposes of including land in the Green Belt compared with the existing use.
- 72 The site would also benefit from the fact that the area of hard standing to the rear of the site is to be reduced significantly in size, with this area proposed to be landscaped.
- 73 These elements of the development are deemed to be appropriate development in the Green Belt.
- 74 The proposal would also result in a small extension to the rear of the converted pub building and an addition to the southern end of the summer house, both of which would project into the Green Belt designation. Since neither the existing pub building nor the summer house stand within the Green Belt there would be no policy support for this part of the development.
- 75 These additions would therefore be seen as inappropriate development in the Green Belt and it follows that it is necessary to assess the case for very special circumstances put forward by the applicant. The case put forward relies on the fact that the proposal involves the removal of an outbuilding from the site with a similar footprint to that of the proposed extensions. An assessment of this case will be done later in the report.

Other Issues

Impact on trees

- 76 PPS9 states that “Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.” Policy EN1 of the Sevenoaks District Local Plan requires that proposed development retains important features including trees, hedgerows and shrubs.
- 77 Subject to the inclusion of conditions relating to the development adhering to the submitted arboricultural report and details of hard landscaping within RPAs inclusive of the proposed parking bays on any approval of consent the proposal is generally acceptable to the Tree Officer.

Access Issues

- 78 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. The front entrance to the proposed units each appears to be via a step up. The applicant can be notified by way of informative on any approval of consent that an

application may be required for any ramp up to the entrances necessary for Buildings Regulations Consent.

Very Special Circumstances

- 79 The elements of the proposed extensions to the main pub building and the converted summer house, which would project into the Green Belt, would be of a similar cumulative floor area to the existing detached outbuilding proposed to be removed from the rear of the site and which falls within the Green Belt. The combined bulk and scale of the additions may be slightly greater than that of the existing outbuilding. However, this additional bulk and scale would be seen in the context of the built form and scale of the existing pub building and the summer house.
- 80 It is therefore the case that the harm the proposed extensions projecting into the Green Belt would have would be off-set by the removal of the existing outbuilding. The Council would also be able to control any further development on the site by way of removing permitted development rights for any potential future extension or outbuildings proposed to be built on the site.

Conclusion

- 81 It is considered that the proposed development would be acceptable in principle, would not significantly impact the Listed Buildings, the Conservation Area, street scene, neighbouring amenity, the AONB and highways safety, would provide sufficient off-street parking and a provision for off-site affordable housing. The proposal would be deemed inappropriate development in the Green Belt. However, very special circumstances exist which outweigh the harm that the proposal represents. Consequently the proposal is not wholly in accordance with the development plan but the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LNx12YBK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LNx12YBK0CR00>



