

4.1 - SE/14/02527/OUT Date expired 30 September 2014

PROPOSAL: Outline application for Erection of 5 x 4 Bedroom Terraced Houses and 2 x 3 Bedroom semi detached houses with associated access and parking on former Dairy Crest Milk depot & Devonia, residential dwelling site with some matters reserved.

LOCATION: Former Unigate Dairies Ltd And Devonia, Main Road, Edenbridge TN8 6HZ

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillor Jill Davison on the grounds of design and dangerous access, and by Councillor Scholey on the grounds of inadequate parking, conflict between the site access and cars parked on Hillcrest Road, and the undesirable and unneighbourly impact of the position of the site access.

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

1) Details relating to the scale and appearance of the proposed building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) The development to which this permission relates must be begun before:

-The expiration of three years from the date of this permission; or

-The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The reserved matters shall incorporate an eaves height and ridge height for the proposed dwellings to be no higher than shown on the indicative elevation drawings submitted with this application (numbered 914:1010/PL105 and 914:1010/PL/204).

To protect the character and appearance of the locality, and the amenities of neighbouring properties, as supported by Policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy, and EN1 and EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

5) 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 protect the character and appearance of the locality, as supported by Policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy, and EN1 of the emerging Sevenoaks Allocations and Development Management Plan

6) Despite the provisions of any development order, no extension shall be carried out to any dwelling hereby permitted.

To protect the amenities of existing neighbouring properties and future occupants of the development, in accordance with Policy EN1 of the Sevenoaks District Local Plan and Policy EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

7) Prior to the commencement of the development, a scheme of sound insulation and noise reduction for the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be designed to conform to Table 4: Indoor Ambient Noise Levels For Dwellings, identified by BS 8233: 2014 - Guidance on sound insulation and noise reduction for Buildings, so that $L_{Amax, F}$ during the period 2300 to 0700 shall not exceed 45dBA for each unit. If mechanical acoustic ventilation needs to be provided, self- noise must not cause the internal noise levels to exceed the BS 8233 criteria. The development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and shall be retained thereafter.

In order to protect occupants of the proposed dwellings from undue noise disturbance, in accordance with Policies EN1 of the Sevenoaks District Local Plan and EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

8) Prior to the commencement of development, full details of the position and extent of acoustic fencing required shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fencing shall be designed to meet a nominal density of 20Kg/m². The development shall be carried out in accordance with the approved details.

In order to protect occupants of the proposed dwellings from undue noise disturbance, in accordance with Policies EN1 of the Sevenoaks District Local Plan and EN2 of the emerging Sevenoaks Allocations and Development Management Plan.

9) No development shall commence until a contaminated land assessment in accordance with BS 10175:2011+A1:2013 "Investigation of potentially contaminated sites", has been submitted to and approved in writing by the Local Planning Authority. The details shall include a desk study detailing the history of the site uses, and proposals for a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site (ref1). A remedial strategy, together with a timetable of works, shall then be submitted to the local planning authority for approval. These must be in accordance with the CLEAea guidelines and methodology and shall include:

1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, to be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology (ref 2).

2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed

remediation strategy shall be submitted to the local planning authority. Prior to any remediation commencing on site, approval shall be obtained from the local planning authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.

4) Upon completion of the works, this condition shall not be fully discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. waste transfer notes. Further information on compliance with this condition can be obtained from environmental health services. Ref 1 : contaminated land research report no. 2, 3 & 4 (doe)Ref 2 : contaminated land research report no. 1 (doe)Ref 3 : ciria vols 1-12 contaminated land series and ciria "building on derelict land"

To ensure the site is fit for residential use, in accordance with the National Planning Policy Framework.

10) No infill material shall be imported onto the site, unless from a certified source to ensure that it is not contaminated in terms of its intended end use. No importation of material shall take place until the relevant certification documents have been submitted to and approved in writing by the local planning authority. Such material shall only consist of naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials). No sludges or slurries may be used. Analytical evidence shall be provided to verify that imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with BS ISO 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependent on the source of the soil and the proposed use of the target site and this shall be agreed with the Local Planning Authority prior to any importation of material on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m³). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m³)). A closure report shall be submitted once remediation works have been completed. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. Ref 1. R&D publication clr8 (2002) 'potential contaminants for the assessment of land' (Defra and the Environment Agency)Ref 2. BS ISO 15176:2002 'soil quality - characterisation of excavated soil and other materials intended for re-use.'

To ensure the site is fit for residential use, in accordance with the National Planning Policy Framework.

11) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved plans shall be provided and shall be kept available for the parking of cars at all times.

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

12) No dwelling shall be occupied until the existing dropped kerb access points onto Main Road have been removed and made good.

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

13) No development shall commence until a construction management plan specifying access and parking provision during construction and wheel washing facilities has been submitted to and approved in writing by the local planning authority. No heavy goods vehicles shall reverse into or out of the site unless under the supervision of a banksman. The development shall be undertaken in accordance with the approved details.

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

14) The landscaping details required under the reserved matters shall incorporate -- 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 development shall be carried out in accordance with the approved details. 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 safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan, Policy SP1 of the Sevenoaks Core Strategy, and Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

15) Before development commences, details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, and no building hereby permitted shall be occupied until such drainage works have been implemented in accordance with the approved details. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment shall be provided as part of the drainage scheme to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory

undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out in accordance with the approved details.

To ensure the provision of an appropriate surface water drainage system, in accordance with Policy SP2 of the Sevenoaks Core Strategy.

16) 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 Policy SP2 of the Sevenoaks Core Strategy.

17) Units 6 and 7 shall not be occupied until the bin collection point as shown on the approved plans has been provided for use. The area shall thereafter be retained for such purposes.

To provide suitable facilities for occupants of the development, in accordance with Policies EN1 of the Sevenoaks District Local Plan and EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The developer is advised to contact Southern Water to discuss the matters raised in their letter dated 21/10/14.

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) Was updated of any issues after the initial site visit.
- 2) The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 3) 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 outline planning permission for development of the former dairy site, to accommodate 7 dwellings. The application includes details of the site layout and access to be considered at this stage, with matters relating to appearance, scale and landscaping reserved for future consideration. However indicative plans have been submitted to show how the elevations and scale of the buildings may be designed.
- 2 The site layout has been designed with a terrace of 5 dwellings fronting Main Road, and two semi detached units located towards the rear of the site. Access to the site would be via Hillcrest Road.
- 3 The indicative plans show the terrace to accommodate 5 x 4 bed units set over three floors, with the top floor in the roofspace. The height of the terrace would be approximately 8.5 metres.
- 4 The indicative plans also show the semi detached properties to the rear to consist of 3 bed units over two storeys with an overall height of 7 metres.
- 5 The scheme proposes 14 parking spaces within the development site.

Description of Site

- 6 The application site consists of a former dairy depot and a single storey residential unit, located on the junction of Main Road and Hillcrest Road within the town confines of Edenbridge. The site has been largely cleared of buildings and is in a derelict state. It is roughly L shaped and around 1,600 sqm (0.16ha) in area.
- 7 The site is located at a transition point on Main Road where more densely built development to the south of the junction consisting largely of terraced housing, gives way to lower density housing to the north of the junction, consisting of detached and semi detached properties. On Hillcrest Road, a church centre and steel clad building are sited opposite the site, with housing of a more suburban character further down the road.

- 8 A bungalow known as Tralee is located immediately to the north of the site. Immediately to the south of the site and set back from the road is a single storey building in use as office premises.

Constraints

- 9 Area of archaeological potential

Policies

Sevenoaks District Local Plan

- 10 Policies - EN1, EN25A

Sevenoaks Core Strategy

- 11 Policies - L01, L06, SP1, SP2, SP3, SP5, SP7, SP8

Sevenoaks ADMP

- 12 Policies - EN1, EN2, T2

Relevant Planning History

- 13 SE/12/00243 - Development of 7 x 3 bedroom dwellings, comprising 2 pairs of semi-detached and 1 terrace of 3 on former Dairy Crest milk depot & Devonia - Refused. Dismissed on appeal (see attached Appendix A).

SE/10/01851 - Demolition of former Dairycrest milk depot and Devonia, and the erection of 11 No. apartments (8 No x 2 bed & 3 No x 1 bed), associated access and parking - Refused. Dismissed on appeal.

SE/09/02628 - Demolition of former dairycrest milk depot and Devonia and the erection of No14 apartments (No8 x 1 bed, No5 x 2 bed & No1x3 bed) access and parking - Refused.

SE/00/02668 - Replacement single storey dwelling - Approved

Consultations

Edenbridge Town Council

- 14 Original Plans - Members object to this application on the multiple grounds of access, lack of parking, the height and mass of the buildings, poor design, out of keeping with the surrounding properties and overbearing, causing loss of light to Tralee. Members wish the Officers attention to be drawn to the fact that there is no available off street parking and that the vacant site is currently used by the residents of the Row who will now be seeking parking in the surrounding streets. The Community Hall is used regularly in the evenings and houses a vibrant nursery school
- 15 The development will need to provide the Kent maximum parking allowance and provision for visitors as there is no available off street parking.
- 16 The current on street parking situation makes the proposed exit on Hillcrest Road almost impossible. The Highways accident report has not been provided, but

members recall recent incidents in Highfields Road so this should be carefully checked.

- 17 The proposed dwelling are higher than Eccles House and those proposed in the previously declined application. Members consider them out of keeping and the semis are overbearing and likely to cause loss of light to Tralee.
- 18 The proposal does not contain surface water drainage plans and with the semis positioned in the lowest part of the site this needs planning in advance.
- 19 Amended plans - Members object to this application and all the comments previously submitted on this still stand. Members also wish to stress the concerns over the area behind Devonia which they believe will suffer from surface water issues. The mixed design of the frontage on main road is also considered out of keeping.

Kent Highways

20 Road safety:

1. Our most recent crash records (for the five year period 1-7-2009 to 30-6-2014) show no personal injury crashes in Hillcrest Road within that period. The records show two crashes on B2026 Main Road within 100m of the junction with Hilders Lane, but neither of them involved vehicles leaving Hillcrest Road.

2. In the process of assessing this application we have discussed the junction of Main Road and Hillcrest Road and especially the restrictions of visibility caused by shrubbery overhanging the highway from the nursery site. Following these discussions the shrubbery has been cut back and the visibility improved.

21 Access:

It is noted that the development would be served by a vehicular access from Hillcrest Road, at the same location as the access to the former property "Devonia".

22 Parking:

The development is located in suburbia where parking restrictions are limited in extent. For this type of location Interim Guidance Note 3 on residential parking specifies a minimum of 1.5 parking spaces per 3-bedroom house, and 2 spaces per 4 bedroom house. Therefore the site would be required to provide a minimum of 13 parking spaces. In fact 14 places are shown on the plans.

In conclusion I do not intend to raise any objection to the proposals, subject to any permission granted being subject to the following conditions:-

1. As the applicants are planning to access their site from Hillcrest Road, they must be required to remove the dropped-kerb accesses to the site from Main Road;
2. Applicants to submit a construction management plan specifying access and parking during construction, wheel washing facilities, and an undertaking that no

heavy goods vehicles are to reverse into or out of the site unless under the supervision of a banksman.

Informative:

Any works affecting the public highway (including works on the footway) must be carried out under a Section 278 Agreement between the applicants and the Highway Authority.

Environmental Health

- 23 Original comments - The acoustic assessment makes reference to BS 8233:1999, unfortunately this was withdrawn and replaced by BS 8233:2014 in February 2014 and should be used for this assessment in conjunction with the National Planning Policy Framework(2012), Paragraph 123 and the Noise Policy Statement for England(2010). Furthermore reference is made to Planning Policy Guidance note 24 this has been superseded by the documents mentioned previously. The aforementioned documents also link to the World Health Organisation Community Noise Guidelines and the WHO Night Noise Guidelines for Europe 2009.
- 24 Therefore the acoustic assessment should be revised having regard for these standards and guidance.
- 25 Whilst the site may have already had some form of contaminated land assessment and/or remediation, the applicant should submit contaminated land assessment to the code of practice BS 10175:2011+A1:2013 Investigation of potentially contaminated sites.
- 26 Further comments -I refer to the above revised application which has been passed to this team for comment and the previous comments made by this team. I would ask that the following conditions added.

1) *Noise Impact Assessment*

- 27 The acoustic report suggests that the internal noise levels within the residential units created will conform to Table 4: Indoor Ambient Noise Levels for Dwellings, identified by BS 8233: 2014 – Guidance on sound insulation and noise reduction for Buildings subject to the installation of the proposed acoustic mitigation and mechanical ventilation. However the amended document does not make sufficient reference to the World Health Organisation Community Noise Guidelines and the WHO Night Noise Guidelines for Europe 2009.
- 28 Therefore should you be minded to grant this application I would ask that prior to the commencement of the development the scheme currently proposed (to conform to Table 4: Indoor Ambient Noise Levels For Dwellings ,identified by BS 8233: 2014 –Guidance on sound insulation and noise reduction for Buildings) be amended so that $L_{Amax, F}$ during the period 2300 to 0700 should not exceed 45dBA. Such a scheme shall be submitted and approved by the Local Planning Authority.

Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the occupation of the premises and be retained thereafter. If mechanical acoustic ventilation needs to be provided, self- noise must not cause the internal noise levels to exceed the BS 8233 criteria

The acoustic fence proposed by the applicant to protect the amenity of the residential gardens should be conditioned to meet a nominal density of 20Kg/m².

Reason : In order to protect the occupiers of the dwelling from undue noise disturbance.

2) Contaminated Land

- 29 Whilst the site may have already had some form of contaminated land assessment and/or remediation, it is not considered that this conforms to the code of practice BS 10175:2011+A1:2013 Investigation of potentially contaminated sites.
- 30 Therefore prior to the commencement of the development the applicant should submit a contaminated land assessment (in accordance with CLR11).
- 31 The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site (ref1).
- 32 A remedial strategy, together with a timetable of works, shall then be submitted to the local planning authority for approval. These must be in accordance with the CLEA guidelines and methodology and should include:
- 1) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology (ref 2).
 - 2) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. Prior to any remediation commencing on site, approval shall be obtained from the local planning authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - 3) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance (ref 3). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.
 - 4) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the

required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. waste transfer notes. Further information on compliance with this condition can be obtained from environmental health services.

33 Ref 1 : contaminated land research report no. 2, 3 & 4 (doe)

Ref 2 : contaminated land research report no. 1 (doe)

Ref 3 : ciria vols 1-12 contaminated land series and ciria "building on derelict land"

"if any infill material is to be brought onto the site, only naturally occurring rocks, sub-soils and soils (including those containing <20% organic matter) and recycled construction and/or demolition materials (but excluding those containing bricks and concrete >70mm, metal, plasterboard, asbestos cement or other contaminated materials) shall be used. This shall be from a certified source to ensure that it is not contaminated in terms of its intended end use. The relevant certification documents shall be sent to the local planning authority (lpa) prior to any development commencing on the site. No development shall commence until the lpa has given written approval of the documents. No sludges or slurries may be used. Analytical evidence shall be provided to verify imported soils are suitable for the proposed end use. This will require characterisation of the source and target sites in accordance with bs iso 15176:2002 and subsequent relevant soil analyses. The sampling protocols and soil guideline values to be used for assessment of suitability will be dependent on the source of the soil and the proposed use of the target site and this shall be agreed with the lpa prior to any development commencing on the site. As a minimum, for large volumes of homogenous natural soils for use in non-sensitive areas, such as commercial end uses, sampling frequency shall be at least one per thousand cubic metres (1:1000m³). Soils for use in sensitive areas, such as domestic gardens, and where imported soils are less homogenous, the sampling frequency shall be greater (i.e. up to one per hundred and fifty cubic metres (1:150m³)).

A closure report shall be submitted once remediation works have been completed. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved by the lpa.

Ref 1. r&d publication clr8 (2002) 'potential contaminants for the assessment of land' (defra and the environment agency)

Ref 2. bs iso 15176:2002 'soil quality – characterisation of excavated soil and other materials intended for re-use.'

Southern Water (summarised)

34 No objection subject to a condition, but point out that a sewer crosses part of the site and consent will be required for development in close proximity to it.

Representations

35 14 letters of objection received:

- Access from Hillcrest Road onto Main Road is poor
- Hillcrest Road is too narrow
- Conflict with proximity to playgroup
- Not enough car parking
- Development over three floors would be excessive
- Overdevelopment of site, as evidenced by small garden sizes
- The scale of the terrace immediately adjacent to the road edge is aesthetically unattractive
- The church hall / community centre is very busy with resultant congestion and parking problems
- Increased traffic would raise safety concerns regarding children and their parents / carers using the church hall
- The Main Road/ Hilders Lane junction is dangerous and the site of many accidents
- Loss of residential amenity and privacy
- Increase in noise
- The three storey houses are overpowering and ugly and out of keeping with surrounding buildings.
- The development will overlook Tralee and cause loss of light / sunlight
- The proposed houses will suffer from road noise
- Inadequate access for waste vehicles
- The proposals do not offer any improvements to the previous schemes that have been turned down
- The plot is too small for so many houses
- Overlooking into properties opposite the site
- Parking in the area is already stretched, as evidenced by the number of people parking their cars on the application site.
- The amendments do not resolve any of the concerns previously raised

Ward Members

- 36 Cllr. Jill Davison – Whatever KCC says the access is lethal and the design, albeit only indicative, is atrocious.
- 37 Cllr. John Scholey - I disagree with Kent Highways that the parking and access is acceptable. The KCC adopted parking standards includes a minimum and maximum provision and the proposal is for slightly above the minimum standard. Now that permission for converting the shop in The Row into offices and housing has been approved, the local pressure on on-street parking means that all new housing developments in this area need to be at the KCC maximum, i.e. 2 parking spaces per dwelling.

Due to the parking pressure in this area Hillcrest Road frequently has one lane fully occupied with parked cars, some of which are serving a nursery. In such circumstances the proposed access for the development would be onto, in reality, a single track road. Changing the access from that which was used by the dairy onto Main Road to Hillcrest Road is very undesirable and un-neighbourly if not overtly dangerous and likely to trigger future anti-social behaviour.

Chief Planning Officer's Appraisal

Background and Principle of development

- 38 The site is located within the built confines of Edenbridge where the principle of development is generally accepted. Policy LO6 of the Core Strategy seeks to make provision for housing development within the town on a range of sites suitable for residential use, avoiding areas liable to flood.
- 39 The site represents brownfield land and the NPPF (Para 111) states that planning policies and decisions should encourage the effective use of such land, provided it is not of high environmental value.
- 40 The site has been subject to a number of recent planning applications for residential development which have all been refused, and two appeals which have been dismissed, the most recent of which was in 2013 and for a development of 7 dwellings but, in a different form to the current proposal. In dismissing the appeal, the Inspector made the following comments that should carry weight in the consideration of the current application –
- That the site represented a transition point between lower density housing to the north and higher density housing to the south.
 - That the principle of a development of terraced and semi detached houses would not be out of keeping with the area as a whole.
 - That the proposal for 3 narrow terraced houses fronting Hillcrest Road, of 9 metres in height with a dormer in the roofspace, would be over-dominant, and prominent on a visually important corner plot
 - That the surrounding area is almost exclusively two storey, and that the proposed terrace would be noticeably higher than terraced housing to the south
 - That the housing fronted Hillcrest Road and did not present a sufficiently high quality design to Main Road
 - That the design approach may need to respond to noise concerns arising from traffic on Main Road
 - That the development would not result in any unacceptable impacts upon the living conditions of surrounding properties, including the relationship between plots 6 and 7 and the bungalow known as Tralee.
 - No objection to loss of employment land, drainage, traffic generation, parking provision, highways safety, or potential contamination.
- 41 A copy of the appeal decision is attached as an appendix to this report. (Appendix A)
- 42 The current application has sought to address the concerns raised by the appeal inspector by amending the site layout to accommodate a terrace of 5 dwellings fronting onto Main Road rather than Hillcrest Road. As a result, the vehicular access to the site has been moved from Main Road onto Hillcrest Road. The implications of the proposed layout, design and other planning issues are considered further below.

Impact upon character / appearance of area

- 43 As stated earlier, the junction of Main Road and Hillcrest Road lies at a transition point where higher density housing to the south gives way to lower density

housing to the north. The application site lies on the south side of Hillcrest Road, and the principle of a mix of terraced and semi detached housing would be in keeping with the higher density form of development to the south.

- 44 The proposed layout would accommodate a row of 5 terraced dwellings fronting Main Road. This terrace would be set back a short distance from the pavement edge, on a similar building line to the neighbouring property at Eccles House, whilst the terraced houses on the opposite side of Main Road front directly onto the pavement. The illustrative plans show that the terrace could be designed with a ridge height of 8.5 metres, the same height as Eccles House and approx. 80cms taller than the terraced units opposite. The indicative elevation drawing shows that the terrace could be designed in a mixture of brickwork, tile hanging and exposed timber detailing, using feature gables to break up the terrace. Such materials are evident on other buildings in the area and the gable features are specifically evident on Eccles house and Deeside to the south of the site. The terrace would extend to a length of 28 metres and at 8.5 metres in height it would be in scale with surrounding buildings. As a result it would avoid the design shortcomings of the previous application relating to the narrow but tall terraced houses proposed in that scheme fronting Hillcrest Road. The proposal does include the use of the roofspace as a third storey, however this does not increase the height of the building to a point where it would be out of character with the scale of surrounding buildings, and the dormer windows proposed on the front elevation are shown to be subservient to the roofscape.
- 45 Taking the above into account, I am of the opinion that the development would provide a suitable frontage in response to Main Road. Whilst the detailed design would be subject to a reserved matters application, the indicative plans show that a good quality design can be achieved at an appropriate scale and height.
- 46 The semi detached units shown to the rear of the site are of very similar footprint, scale and height to the semi detached units proposed in the same position under the last application. The design and impact of these units did not form part of the Council's reasons for refusal under the last scheme, nor was it subject to criticism from the appeal inspector. The units would be subservient to the proposed terraced units fronting Main Road and set back from Hillcrest Road behind a bungalow known as Tralee, and would not cause harm to the character and appearance of the area.
- 47 In my opinion, the current application proposes a scheme that overcomes the harm identified in the last application to the character and appearance of the area. Although in outline form, the application has demonstrated that a good quality design can be achieved, in keeping with the scale and pattern of development in the local surroundings. This would be in accordance with policies EN1 of the local plan, SP1 of the Core Strategy and EN1 of the ADMP. The density of the development would be around 45 dwellings per hectare, broadly consistent with Policy SP7 of the Core Strategy.

Impact upon the amenities of surrounding occupants and future occupants of the development

- 48 Policies EN1 of the local plan and EN2 of the ADMP seek to ensure that developments do not result in unacceptable impacts upon the living conditions of surrounding properties, as well as ensuring that suitable living environments are provided for future occupants of developments.

- 49 The proposed terrace containing units 1-5 would front Main Road and would face towards the side of the property at 1 Spring Cottages. A distance of around 22 metres would be maintained between these buildings and across a busy road. In my opinion, this would be sufficient to maintain acceptable living conditions.
- 50 A gap in the region of 11 metres would be maintained between the flank wall of unit 5 and the flank wall of Eccles House to the south. This property appears to be in use as offices, with a door in the flank wall and a window above. The development would not impact upon light provision to this window given the separation distance involved.
- 51 Unit 5 in the terrace would be set forward of the single storey building known as Eccles End to the south and east of the site. This building currently appears to be in use as an office, although planning permission was previously granted in 2010 to convert the premises to a dwelling. This has now expired, but in any case the layout of the dwelling was designed with main windows facing away from the application site. The development would be unlikely to cause a loss of amenity to this property even if it was converted to dwelling in the future.
- 52 The proposed semi detached properties (plots 6 and 7) are very similar in scale, siting and footprint, to the units proposed in the same location under the last application. The impact of a pair of semi detached units on surrounding properties (Tralee, Derwent, Rustlings and Eccles End) was considered acceptable by both the Council and the appeal inspector under the last application (paragraphs 16-18). Given the similarities between the two schemes in relation to plots 6 and 7, I do not consider that any further impacts would arise that would now make this relationship unacceptable. A gap in excess of 25 metres would be provided between the rear wall of units 1-5 and the front wall of units 6 and 7, which I consider to be a suitable separation.
- 53 The proposed terrace would be sited to the north east and not directly opposite the existing terrace on Main Road. Whilst some views of the proposed terrace would be attained from the existing terrace, given the relationship between the two terraces this would be unlikely to cause any unacceptable impacts on living conditions.
- 54 With regard to future occupants of the proposed development, it has been identified that road noise arising from Main Road has the potential to detract from living conditions. The previous appeal inspector specifically stated that measures to reduce road noise through the use of fixed shut glazing applied to main living room windows would not be a solution - and that such a requirement would detract from living conditions.
- 55 As a solution, the layout of the terrace has been designed with living rooms at the rear of each property to avoid fronting onto Main Road. A number of bedrooms have also been designed to face the rear of the site or, in the case of the accommodation in the roof, the opportunity exists to provide a layout with bedrooms either directly facing the rear or benefiting from secondary windows in the rear roof plane. However at first floor level one bedroom per unit would face Main Road and would be likely to require some form of alternative mechanical ventilation.
- 56 In this respect, the Environmental Health Officer has not objected to the scheme based upon current guidance on noise levels, but does recommend conditions to

ensure that appropriate noise levels are not exceeded, including the potential for mechanical ventilation to be used as an alternative to opening windows at night time.

- 57 The matter of disturbance through road noise Vs provision of an appropriate frontage to Main Road is a balanced one. However given the lack of objection from Environmental Health and the solution to provide living rooms at the rear of each property, I am content that this proposal would not lead to unacceptable living conditions for future occupants.
- 58 Overall, I am satisfied that the development would comply with policies EN1 (3) of the local plan and EN2 of the ADMP.

Highways safety

- 59 Policy EN1 (6&10) of the local plan seeks to ensure that developments do not create unacceptable highways conditions on the local network, and that suitable access and parking provision is made. Policy T1 of the ADMP seeks to ensure that new development does not cause unacceptable traffic impacts on congestion and safety, and Policy T2 of the ADMP states that vehicle parking should be made in accordance with current KCC parking standards contained within Interim Guidance Note 3.
- 60 A large proportion of the objections received relate to highways impacts. These specifically include the suitability of the proposed access onto Hillcrest Road, the potential conflict with users of the community centre / pre-school opposite and particularly the safety of children, the suitability of the junction of Main Road and Hillcrest Road, and the adequacy of parking proposed within the development.
- 61 Members will note the detailed comments from Kent Highways as set out earlier in the report. Kent Highways do not raise objection to the access point to the development on Hillcrest Road, and it is noted that the road is straight, with a grass verge next to the pavement which would aid visibility for vehicles exiting the site and for pedestrians on the pavement. Similarly, no objection is raised by Kent Highways to the increased use of the Hillcrest Road / Main Road junction on the basis that visibility is adequate (it has recently been improved through the cutting back of shrubbery overhanging the highway) and crash data shows that no accidents have occurred at this junction over the last 5 years. Given that the access point to the site is acceptable to Kent Highways, as is the junction of Hillcrest Road and Main Road, there is no evidence that the development would result in harm to highways safety, including the safety of pedestrians using the community centre / pre school opposite.
- 62 In terms of parking, the development would provide 14 off street parking spaces. The Kent Interim Guidance note for residential parking states that in suburban locations such as this area, 1.5 spaces for 3 bed units and 2 spaces for 4 bed units should be provided. On this development, this would equate to 13 spaces in total with an additional space for visitor parking. No objection is raised by Kent County Council to the level of parking provision as proposed.
- 63 On the basis of the above, I am of the opinion that the development would not cause congestion of highways safety issues, and would provide a suitable level of parking, in accordance with the above-mentioned policies.

Affordable Housing

- 64 On 28 November 2014 the Government amended the National Planning Practice Guidance (NPPG) to restrict the circumstances where contributions for affordable housing should be sought. Under the new guidance, other than in designated rural areas, contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. As a result Policy SP3 of the Core Strategy and the Affordable Housing SPD are no longer consistent with the NPPG in relation to developments below the new NPPG size threshold and are not likely to be supported on appeal.
- 65 This proposal is for a development below the NPPG threshold and a contribution to affordable housing cannot therefore be sought.

Other matters

- 66 Drainage – concern has been raised over the lack of surface water drainage plans. However drainage was not raised as ground of refusal under previous planning applications, nor did the inspector consider it to be a significant factor in his consideration of the last scheme. Appropriate drainage of surface water can be controlled via a planning condition.
- 67 Access for waste vehicles – bin storage will be provided in the front gardens of dwellings fronting Main Road, so collections can be made in the same way as existing dwellings on the road. A bin store is to be provided next to the vehicular entrance to the site for units 6 and 7, and this can be collected from Hillcrest Road, where refuse vehicles will already collect from existing properties.
- 68 CIL – this development would be CIL liable

Conclusion

- 69 I consider the principle of the development, layout and access to be acceptable. The applicant has also demonstrated that a suitable development can be achieved in terms of height, scale and design, and this would be controlled under a reserved matters application. The highways impacts arising from the scheme are acceptable to Kent Highways.
- 70 On this basis I would recommend that planning permission is granted.

Background Papers

Site and Block plans

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

Richard Morris
Chief Planning Officer

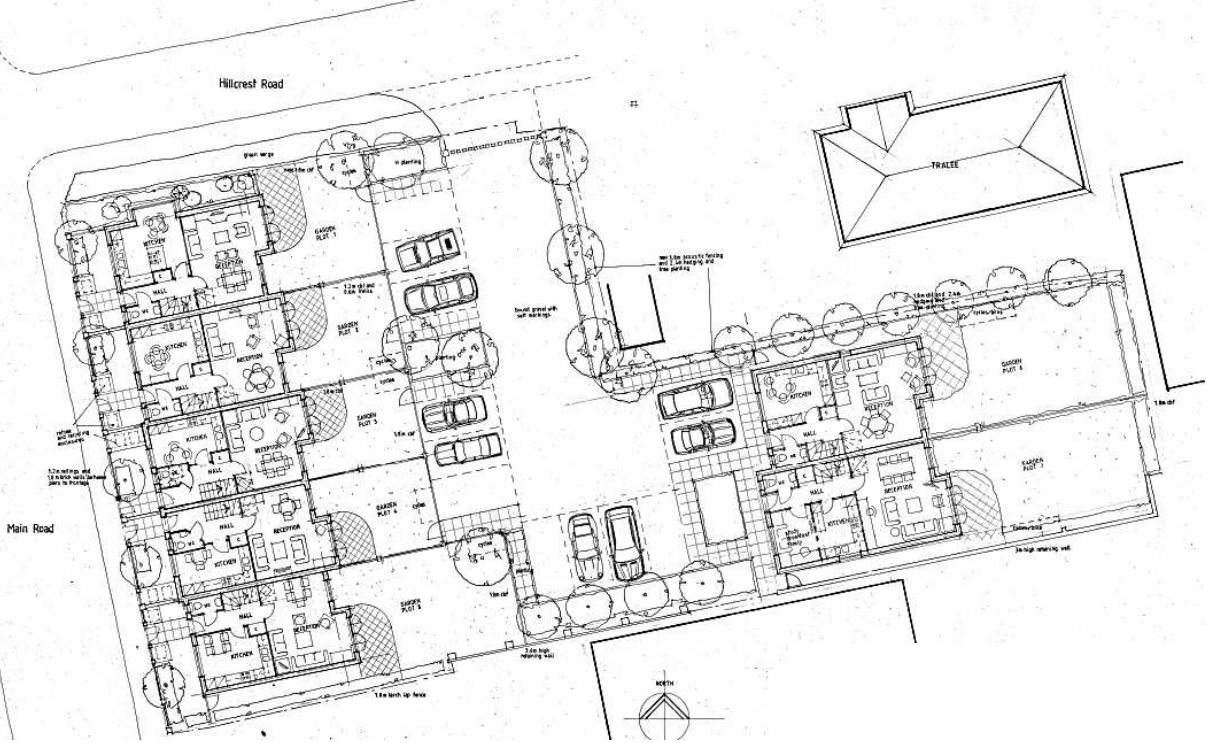
Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9TNJQBKGRG00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N9TNJQBKGRG00>

Block Plan



Appeal Decision

Site visit made on 9 January 2013

by **David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2013

Appeal Ref: APP/G2245/A/12/2181406

**Former Dairy Crest Milk Depot and Devonian (demolished),
Main Road/Hillcrest Road, Edenbridge, Kent, TN8 6HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dunmore Property Developments Ltd against the decision of Sevenoaks District Council.
 - The application Ref SE/12/00243/FUL, registered on 30 January 2012, was refused by notice dated 31 May 2012.
 - The development proposed is 7 x 3-bedroom dwellings, 2 pairs semi-detached and 1 terrace of 3 on former Dairy Crest Milk Depot and Devonian, residential dwelling site.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the street scene; and
 - Whether the proposal would make adequate provision in relation to affordable housing.

Reasons

Character and appearance

3. The appeal site, which has now been cleared of buildings in preparation for a redevelopment scheme, lies on the south eastern corner of the Main Road/Hillcrest Road junction about a mile north of the centre of Edenbridge. The junction represents the transition on Main Road between the higher density development to the south, comprising mainly two storey terraced housing close to the road, and the lower density housing to the north, consisting of detached and semi-detached properties set back behind good sized front gardens. The proposal for semi-detached and terraced properties on the appeal site reflects the density of development to the south rather than the north in accordance with the role of the junction as the beginning of the more intensively built up area when approaching the town centre.
4. Facing the appeal site on the opposite side of Hillcrest Road are a church centre and steel clad building whilst to the east along both sides of Hillcrest Road lies detached housing of a suburban character. The appeal proposal would not lead

to an incursion of higher density development into the eastern section of the road and the pleasant suburban character of that part of the road would be unaffected. The appeal site could be developed with higher density housing as the western end of the road changes in character as it approaches Main Road.

5. The proposal includes a line of five properties, three terraced and a pair of semi-detached houses, fronting onto Hillcrest Road between Main Road and Tralee, a bungalow to the east. The transition from higher to lower density with terraced properties on the corner, semi-detached properties and then the bungalow would be an appropriate form of development. The narrow plot widths would be similar to Spring Cottages on Hilders Lane to the west and many of the terraced houses fronting Main Road to the south, consequently they would not be out of character with the area as a whole. The houses would also be sited close to the road in a similar way to these other properties and would align with Tralee. Whilst closer to the road than the detached houses along the eastern section of Hillcrest Road the character of the road changes beyond Tralee.
6. However, the three terraced houses would be very tall in relation to their width with dormer windows serving a third bedroom in the roofspace. They would be about 9 metres (m) high to the ridge which would be an over dominant form of development compared to the semi-detached properties alongside. These would have a pyramidal roof rising to a central point only about 7.5m high. The conjunction of the terrace and pair of semi-detached houses would be a discordant feature on this section of Hillcrest Road. Although the terrace roof would be hipped at each end the terrace would be about 13m long and with its flank close to Main Road would result in an overly prominent building on a visually important corner plot on a main road.
7. The development surrounding the site, for example Spring Cottages and the building on the opposite corner of the crossroads, is exclusively two storey in character with few if any examples of dormer windows. It is not clear from the evidence how the ridge height of the proposed terrace would relate to these properties but the site survey plan suggests that it would be noticeably higher than the ridge height of the terraced housing to the south along Main Road. The relative height difference would add to the over prominence of the building in the street scene.
8. The orientation of the terrace leaves only a side elevation facing Main Road together with an access road leading to the parking spaces and rear gardens of the properties facing Hillcrest Road and a further pair of semi-detached properties at the eastern end of the site. The frontage to the main thoroughfare of Main Road is important in the street scene and I share the Council's concern that this aspect of the proposal does not represent a sufficiently high quality design. The side elevation of the terrace facing Main Road would have a bay window and two others on the ground floor but it is unclear how many windows there would be at first floor level, three being shown on the elevation drawing but only one on the first floor plans. The tall gable end would add to the visual impact on this prominent corner site.
9. The remainder of the frontage to Main Road would comprise garden fencing and the access road serving the development. This would present an undeveloped gap along Main Road in contrast to the built up frontage of terraced housing on both sides of the road to the south. Whilst not ideal in street scene terms it is recognised that the appellant has proposed a housing

layout fronting Hillcrest Road rather than Main Road to take account of the noise concerns arising particularly from daytime traffic. I agree with the appellant that requiring single aspect main living room windows facing Main Road to be fixed shut would significantly detract from the living conditions of future occupiers. If the noise levels arising from Main Road require this approach it is appropriate for the housing layout to respond accordingly.

10. I have taken careful account of the previous appeal decision which concerned a scheme for a single block of 11 apartments on the site¹. The current proposal represents a significantly different form of development which is more in keeping with the area but nevertheless aspects of the scheme would harm the character and appearance of the street scene.
11. In conclusion for these reasons the proposal would cause significant harm to the character and appearance of the street scene in conflict with policy SP1 of the Sevenoaks Core Strategy 2011 (the Core Strategy) and policy EN1 of the Sevenoaks District Local Plan 2000 which seek to ensure new development is designed to a high quality and responds to the character of the area in terms of scale, height and density. The proposal also conflicts with paragraphs 56 and 57 of the National Planning Policy Framework which place great importance on the design of the built environment including individual buildings together with public and private spaces.

Affordable housing

12. Policy SP3 of the Core Strategy states that in the case of schemes between five and nine units in size 20% of the units should be affordable. The Council's Supplementary Planning Document: Affordable Housing 2011 confirms the requirement in the case of a seven unit scheme is one social rented/affordable rent unit.
13. The appellant in this case does not dispute the need to provide an affordable housing unit and submitted a draft Section 106 agreement to the Council to seek to resolve the matter prior to the determination of the application. It is not clear whether a response was received but there is no signed legal agreement or unilateral undertaking before me. The appellant requests that the matter be dealt with by imposing a condition requiring that a scheme for the provision of affordable housing be entered into prior to development commencing. This approach was supported by the previous inspector and I agree an appropriate Grampian style condition would secure an affordable housing unit should I allow this appeal.
14. The proposal would potentially therefore make adequate provision in relation to affordable housing in accordance with policy SP3 of the Core Strategy.

Other matters

15. A number of residents living in neighbouring properties have raised concerns regarding the effect of the proposal on their living conditions should the scheme go ahead. The Council does not consider, on balance, that the proposal would have an unacceptable effect in this respect and did not include a reason for refusal on those grounds. Notwithstanding this, during my site visit I carefully assessed the potential impact of the scheme to reach my own conclusions.

¹ Appeal APP/G2245/A/11/2146689 dated 14 June 2011

16. The appeal site comprises an "L" shape around the bungalow Tralee which would have two pairs of semi-detached properties located to the south and west. The pair to the south would be only about 6m from the rear of Tralee but staggered so that only the kitchen window of Tralee would face directly towards the pair. There would be a loss of daylight and afternoon sunlight to the windows and garden but the new houses would sit at a lower level with a pyramidal roof, 25° roof pitch and low eaves height which would all help to reduce the impact. The pair to the west would be significantly further away, about 17m from the side of Tralee. Although adjacent to the garage and drive they would lead to some loss of daylight and late afternoon sunlight to the garden but they would also have a pyramidal roof. In both cases there would be no windows in the flank elevations leading to a loss of privacy although there would be limited oblique overlooking from the first floor rear bedroom windows of the southern pair into a corner of the garden. Overall there would certainly be some loss of outlook and daylight/sunlight for the residents of Tralee as it occupies a relatively small plot but I agree with the Council that on balance the impact is acceptable.
17. Derwent is a detached house with a flank wall close to the eastern boundary of the appeal site and Rustlings an adjacent similar property staggered to the rear. The side elevations of these properties would be about 12m and 20m respectively from the rear elevation of a pair of semi-detached houses but they have only obscure glazed windows to a landing facing the site so no inter-window privacy issues would arise. The orientation of the new houses means there would be only limited loss of light to the rear gardens of Derwent and Rustlings and the distance is such that with suitable screening an acceptable level of privacy to the patio areas would be maintained.
18. It is not clear if Eccles End, a single storey building close to the southern boundary of the appeal site, is an office or residential property. In any event, although only about 3m from the side of a new semi-detached house there would be no windows in either flank wall to cause a loss of privacy and the rear facing windows would not be affected by a significant loss of light or outlook.
19. I have considered all the other arguments put in favour and against the proposal. These include the benefits of new housing, the use of previously developed land, the sustainability of the location, drainage, traffic generation, parking provision, highway safety, loss of employment land and potential contamination. I also considered the scheme on the corner of Main Road and Swan Lane. However, in my view none of these points are of sufficient weight to be considered significant factors in the determination of this appeal.

Conclusion

20. In view of my findings on the first main issue I conclude that the appeal should be dismissed.

David Reed

INSPECTOR