

4.2 - SE/16/02830/FUL Date expired 15 November 2016

PROPOSAL: Erection of 2 mews style dwellings with associated parking and landscaping

LOCATION: Land Adjacent To Tubs Hill House, London Road, Sevenoaks TN13 1BL

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Committed by Councillor Fleming on the following grounds:

1 The development is contrary to para 9 of the NPPF as it fails to make positive improvements in (particular regard) people's (the neighbours) quality of life; 'improving the conditions in which people live'

2 The development is contrary to para 17 of the NPPF as it fails at least one of the 12 principles, this is that the development doesn't 'improve the places in which people live their lives', again the neighbours.

3 The development is contrary to policy EN2 of the Sevenoaks District Council ADMP insofar as it would (not) safeguard existing and future occupants of nearby properties by (failing to ensure) that development does not result in an unacceptable loss of privacy enjoyed by the occupiers of nearby properties.

Councillor Fleming also expressed a concern regarding the cumulative impact of development that has been permitted in the area, referencing the following text from the ADMP:

The effects of some developments can have direct impacts on neighbouring occupiers. Others can cumulatively impact on the general amenity of an area. As such, all development proposals, including intensification of uses and cumulative impacts of similar uses, will be expected to have regard to the amenity of neighbouring uses and occupiers.

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

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the development shall be those indicated on the approved plan 16149-P-311-.

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

Development Management Plan..

3) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree shall be undertaken in accordance with the details in the submitted arboricultural survey, arboricultural impact assessment and arboricultural method statement (4059/16-01, 4059/16-02 and 4059/16-03). In this condition a "retained tree" means an existing tree which is to be retained in accordance with the submitted arboricultural survey Also:-The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land;-Within a retained tree protected area:-Levels shall not be raised or lowered in relation to the existing ground;-No roots shall be cut, trenches cut, or soil removed;-No buildings, roads, or other engineering operations shall be constructed or carried out;-No fires shall be lit;-No vehicles shall be driven or parked over the area; and-No materials or equipment shall be stored.

To prevent damage to the trees during the construction period of the patio as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) No development shall be carried out on the land until a method statement regarding the proposed patio has been submitted and approved in writing by the Council providing details for the protection of the TPO trees on site in consequence of the proposed patio. The construction of the patio shall be carried out in accordance with the approved method statement.

To prevent damage to the trees during the construction period of the patio as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) No construction shall take place outside of the hours 08:00 to 18:00 hrs Monday to Friday, 08:00 to 13:00 hrs Saturdays and no work shall take place on Sundays or public holidays

To safeguard the amenity of neighbouring residents during the construction period as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 16149-P-2101-C, 16149-P-310B, 16149-P-311- and 16149-P312C.

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

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 provided with pre-application advice.
- 2) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Proposal

- 1 Erection of 2 mews style dwellings with associated parking and landscaping.

Description of Proposal

- 2 The proposal seeks permission to create 2 mews style units at the site.
- 3 The proposed units would be located in the existing car park towards the rear of Tubs Hill House. They would be single storey units situated above the existing level of the car by 2.4 metres at their base. The proposal would result in the loss of 3 car parking spaces where the stairs, support pillars and cycle store would be located but would retain 7 parking spaces below the units.
- 4 The units together would be 17.5 metres wide by 8.1 metres deep and would have a maximum height of 6.1 metres above ground level, including the 2.4 metres of car parking space located below the dwellings. Due to the land levels at the site and the fact that the existing green space to the rear of the units is located approximately 2.7 metres higher than the level of the car

park, when viewed from the rear the units would only appear to be 3 metres high when measured from the ground level at the rear of the site.

- 5 The proposed units would have flat roofs with large glazed sections on the front and rear elevations and zinc cladding to the exterior walls. The pillars supporting the units would be created from facing brickwork to match Tubs Hill House while the proposed curtilage would be enclosed to the sides by black painted metal railings.
- 6 Gardens would be provided to the rear of each unit on the raised land which is currently green space, a small patio is to be created to the immediate rear of each unit and several existing trees are to be retained in the rear garden of each dwelling. The garden of the unit proposed for plot one would be approximately 30 square metres while that for plot 1 would measure approximately 40 square metres.

Description of Site

- 7 The application site consists of a section of car park and a small area of open space to the rear of Tubs Hill House. The site is within the built confines of Sevenoaks and contains several TPO trees, it also abuts the Sevenoaks Town and St Johns Conservation Area to the south and west. The site is split over two levels, the open space is located significantly higher than the existing car park.

Constraints

- 8 Abuts the Sevenoaks Town and St Johns Conservation Area
- 9 TPO Trees - 16/006/TPO
- 10 Designated employment Land

Policies

Allocations and Development Management (ADMP)

- 11 Policies - SC1, EN1, EN2, EN4 and EMP1

Core Strategy (CS)

- 12 Policies - SP1, SP8, LO1 and LO2

Other:

- 13 Sevenoaks Residential Character Area Assessment, Granville and Eardley Road Conservation Area Appraisal
- 14 National Planning Policy Framework (NPPF)

Planning History

- 15 SE/06/03211 - Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18

dwelling, with car parking, pedestrian and vehicular access - Granted
14.03.07

SE/10/00600 - Application to extend the time limit of an extant planning permission approved under reference SE/06/03211/FUL (Proposed remodelling and change of use to provide hotel and support services to level 5 with 3 floors of residential over comprising 18 dwellings, with car parking, pedestrian and vehicular access) - Granted 30.09.10

SE/13/03481 - Prior notification for a change of use from B1(a) (offices) to C3 (dwellinghouses). This application is made under Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - Prior Approval not required 15.01.14

SE/14/01527 - Erection of 4 new dwellings at roof level, changes to elevations including projections at the front of the existing building, and associated landscaping - Refused 01.10.14, Appeal dismissed, 07.05.2015

15/00466/FUL - Change of use from Class B1(a) Offices to Residential Use (Class C3) - Granted, 22.05.2015

15/00489/FUL - Modifications to the existing facade including associated landscaping works - Granted, 10.04.2015

15/01449/LDCPR - Replacement of existing fenestration, repairs to brickwork, infill panels and render as required, re painting of existing railings - Granted, 10.07.2015

15/01507/FUL - Infilling of existing under-croft for the creation of 4 residential units. Modifications to the existing facade including associated landscaping works - Granted, 13.07.2015

15/01508/FUL - Infilling of existing under-croft for the creation of 4 residential units. Replacement of existing windows, restoration of the existing facade and associated landscaping - Granted, 13.07.2015

15/03231/FUL - Roof extension to form 8 duplex apartments - Refused, 15.12.2015

16/00929/CONVAR - Variation of conditions 2 (approved plans) and 3 (materials) of SE/15/01507/FUL to Infilling of existing under-croft for the creation of 4 residential units. Modifications to the existing facade including associated landscaping works with amendment to window fenestration and increase in parking spaces - Granted, 31.05.2016

Consultations

Sevenoaks Town Council

16 Recommend Approval

SDC Arboricultural Officer

- 17 *'The success of this application or not is dependent on the soil on the raised area being left undisturbed or at least having limited disturbance that is acceptable in what is a rooting area of a number of trees. The main build is shown to be located over the lower level with a metre overhang above and not in the raised area. This extends to 2.5 metres when including the patio area. I have also noted that there is an intention to raise some soil levels over the raised area adjacent to the retaining wall.*

Assuming that the above is correct and the disturbance to the raised area is limited as stated, I can see no reason to object. One area that needs further clarification however is the construction process for the patio area. What materials are to be used and how many supports will be required. What sized holes etc. I am assuming that such supports will need to be concreted into position. What root protection is in place if roots are come across during excavations, what protection is there to avoid concrete spillage onto and into the soil. I consider the answers to these questions could await the response of a condition applied to any consent you may grant.'

SDC Environmental Health

- 18 *'Having reviewed the acoustic assessment, air quality report and assessed the possibility of ground contamination at the site I have no adverse comments regarding this application. However if you are minded to grant permission I recommend that a condition restricting the hours of construction for the development to 08:00 to 18:00 hrs Monday to Friday, 08:00 to 13:00 hrs Saturdays with no work on Sundays and public holidays.'*

Thames Water

- 19 *Waste Comments - Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these

pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Water Comments

- 20 *‘With regard to water supply, this comes within the area covered by the South East Water Company.’*

South East Water

- 21 No response received.

Representations

- 22 Eleven letters of representation have been received related to the development, all eleven letter objected to the proposed development for a variety of reasons. The reasons for objection to the proposal have been summarised below:

- It would result in a loss of privacy to the residents of Tubs Hill Parade
- It would cause a loss of light to the residents of Tubs Hill Parade
- It would result in a loss of privacy to the residents of Granville Road
- It would result in an unacceptable loss of parking in the area
- It would impact negatively upon the value of the properties along Tubs Hill Parade
- It would result in pressure to remove the remaining trees on site
- It constitutes overdevelopment of the site
- The location is not suitable for residential development, being overshadowed by the existing Tubs Hill House
- It would be detrimental to the character and appearance of the adjacent Conservation Area

Chief Planning Officer’s Appraisal

Principle issues

- 23 The main issues for consideration are
- The principle of development
 - The design of the proposal and its impact proposal on the street scene
 - The impact of the proposal on the setting of the Conservation Area
 - The impact of the proposal upon neighbouring amenity
- 24 Of particular relevant to this application is the following guidance:
Presumption in favour of sustainable development

- 25 Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 26 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Conservation Area

- 27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 28 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Appraisal

Principle of development

- 29 The site falls within the built confines of Sevenoaks and so policy LO2 of the Core Strategy applies. This policy seeks to protect the setting of the urban area and the distinctive character of the local environment. In my view, the site is suitable for residential development, given that it currently has a residential use as land related to the residential use of Tubs Hill House and is located close to the services offered within Sevenoaks town centre. The question of whether the development would protect the setting of the urban area and the distinctive character of the local environment will be addressed below.
- 30 Annex 2 of the NPPF 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 (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'* This definition excludes, amongst other categories, *'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments'*. As such the development site would not be considered previously developed land.
- 31 However, this does not preclude development on the site as a matter of principle. Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being a location for development of a scale and nature consistent with the needs of the town and the surrounding rural area.

- 32 There is a policy presumption in favour of the re-use of appropriately sited land within urban areas, which have good access to a range of services (in this instance Sevenoaks Town Centre). The proposed scheme constitutes the efficient use of land within an existing settlement which would make a contribution to the housing need in the district and reduce pressure for housing in more constrained areas.
- 33 Although the site appears appropriately sited it does fall within an area of employment land designated under policy EMP1 (j) of the ADMP as land for business. Policy SP8 of the Core Strategy seeks to retain and intensify existing business areas, however the land in questions has already been granted permission for a change of use to residential land under planning application 15/00466/FUL, this is in the process of being implemented and therefore there is no objection to the principle of re-development of the site provided the development complies with all relevant planning policies.

Design and Impact on the Street Scene

- 34 The *NPPF* and *Policy SC1* of the *Core strategy* both express that a ‘*presumption in favour of sustainable development*’ should be used when deciding applications. *Policy SP1* of the *Core Strategy*, *Policy EN1* of the *ADMP* and the *NPPF* highlight that new developments should be of a high standard of design that responds to the character of the locality.
- 35 In proposing new development within the Tubs Hill, London Road, Pembroke Road Character Area the Residential Character Area Assessment SPD states that:
- Individual buildings should be of a high standard of intrinsic design quality
 - The domestic scale and character of properties in Pembroke Road and the central section of London Road should be respected
 - The increased scale and enclosure of properties at the node of London Road, Pembroke Road and Eardley Road should be respected
 - The unity of the row of Edwardian and 1930s properties at the corner of Tubs Hill and St Botolph’s Road should be respected.
- 36 The proposed development would utilise a small area of car park to the rear of Tubs Hill House to create two mews style units. The units would be elevated above the existing car park but would not appear overly prominent, set back significantly from the road and largely obscured from view in the street scene by the existing developments of Tubs Hill House and the properties along Tubs Hill Parade.
- 37 The proposed units are to be of a contemporary design with a zinc clad frontage incorporating a number of large aluminium framed windows and aluminium panel detailing. This would largely accord with the character and design of the Tubs Hill House redevelopment which is to be finished in three materials; Sevenoaks yellow stock brick and two different shades of aluminium panelling with aluminium framed windows. In addition the area

already exhibits a variety of building styles, sizes and finish material, in light of this I consider the design of the proposed units and the materials proposed to be in keeping with the character of the area and therefore to be acceptable.

- 38 The units would not impact upon any of the key features of the area highlighted in the Character Area Assessment and would be of a high quality design which as detailed above respects the existing character of the area.
- 39 Although each unit proposed would have a fairly limited curtilage, this is not uncharacteristic of the area in which a number of properties have significantly smaller areas of amenity space than are common to the wider area of Sevenoaks and therefore in terms of the size of the proposed plots I consider the proposal to be acceptable. The suitability of the amenity space will be assessed in more detail later on in this report.
- 40 In summary I consider that the proposed units would preserve the character and appearance of the area, consequently the proposal is in accordance with the *NPPF*, *policy SP1* of the *Core Strategy*, *policy EN1* of the *ADMP* and the *Sevenoaks Residential Character Area Assessment SPD*.

Impact on the setting of the adjacent Conservation Area

- 41 The *NPPF*, *Section 72 of the Planning (Listed Buildings and Conservation Areas) Act* and *Policy EN4* of the *ADMP* all place a requirement on the Council to ensure that proposals preserve or enhance the character of Conservation Areas.
- 42 The site is located adjacent to the Granville And Eardley Road Conservation Area which abuts the rear of the site to the south. As the proposed units would be raised above the level of the car park they would be situated level with the rear gardens of the properties fronting Granville Road. Due to the topography of the area the units would only appear 3 metres high when viewed from the Conservation Area to the south and would be entirely obscured from public view from within the Conservation Area, only being visible from the rear gardens of a number of properties fronting Granville Road. As such due to the limited height of the proposed units and their lack of visibility from within the adjacent Conservation Area I consider the proposed development to preserve the character and setting of the Conservation Area and therefore to be in accordance with the *NPPF*, *Policy EN4* and the *Eardley and Granville Road Conservation Area Appraisal and Management Plan*.

Amenity

- 43 The *NPPF* and *Policy EN2* of the *ADMP* both require new developments to safeguard neighbouring amenity as well as to provide an adequate standard of residential amenity for the current and future occupiers.
- 44 In relation to the amenity of the future occupants of the proposed units there are several potential issues related to the development. As the units are to be located above an existing car park I initially had concerns regarding the potential noise levels and air quality that the future occupants would be

subject to. An impact assessment in regards to both noise and air quality has been submitted with the proposal which has been assessed by the Council's Environmental Health department. Having reviewed the submitted information the Environmental Health officer has advised that '*Having reviewed the acoustic assessment, air quality report and assessed the possibility of ground contamination at the site I have no adverse comments regarding this application*'. Consequently, based on the advice of the Council's Environmental Health Officer I am satisfied that the proposed development would provide a suitable level of amenity for the future occupants in regard to noise and air quality.

- 45 A judgment also needs to be made regarding the suitability of the proposed amenity space for each unit. The units would each be served by a small garden and patio area to the rear which would be the only amenity space associated with the units. Having carefully considered this aspect of the proposal I have calculated the approximate area of each rear garden as being 30 square metres and 40 square metres. Although small this is a sufficient amount of amenity space for the future occupants to use and while smaller than the majority of amenity spaces enjoyed by the residents of Sevenoaks it would not be dissimilar to the amount of amenity space enjoyed by a number of other properties in the immediate area and would be greater than that enjoyed by many flats of this size, as such I consider the proposed amenity areas acceptable.
- 46 The proposal must also be assessed against its impact upon the amenity of surrounding residents. The proposed units have the potential to impact upon a number of surrounding properties, including the residents of the properties along Tubs Hill Parade, the residents along Granville Road to the rear and the future occupants of Tubs Hill House.
- 47 In regard to the units to the rear, fronting Granville Road, as the proposed dwellings would only be 3 metres above the land level towards the rear of the site and they would be situated 27 metres from the rear elevation of the closest property (64 Granville Road) I do not consider that they would have any impact upon the outlook or light received to the properties in question.
- 48 With regards to privacy an objection has been raised by a resident of Granville Road. Although the proposed units would have rear facing windows which would view towards the rear gardens of the dwellings along Granville Road, the rear boundary of the site is heavily vegetated which provides a screen between the properties and the proposed units. In addition the rear boundaries of the properties along Granville Road are fenced and occupied by a number of sheds which further obscure any views into their amenity spaces.
- 49 Furthermore the rear gardens of the dwellings along Granville Road slope steeply upwards away from the site, further reducing the impact of the proposed units and further obscuring the sight lines from the rear facing windows of the units. Consequently due to the existing boundary treatments, outbuildings, mature vegetation, changing land levels and distances between the units and the properties in question I do not consider the proposed units to cause any significant loss of privacy to the residents of the dwellings along Granville Road.

- 50 With regard to the properties forming Tubs Hill Parade, the front elevation of the proposed units would be situated 26 metres from their rear elevations, this is a sufficient distance to ensure that the proposed units would not obscure the outlook or amount of light received to the existing dwellings.
- 51 With regards to privacy the front elevations of the proposed units would be situated just over 21 metres from the 5 metre rear amenity space of the properties along Tubs Hill Parade. As a general rule, a distance of 21 metres is required between properties to ensure that there is no loss of privacy, the proposal would comply with this rule. In addition the rear gardens of each of the properties along Tubs Hill Parade is occupied by a shed at the southern end, due to the angle of view from the proposed units which I was able to review while on site these outbuildings provide a screen which would prevent the future occupants of the proposed units from viewing the rear amenity space of the existing dwellings.
- 52 In addition the existing situation must also be considered which is such that any individual standing in the existing car park would be stood substantially closer to the rear elevations of the dwellings along Tubs Hill Parade than the proposed units and would also be elevated significantly above the units due to the height of the car park. Consequently I do not consider that the proposed development would cause any greater a loss of privacy than the existing situation. As such, given the suitable separation distances, the screening in place in the form of the existing outbuildings and the existing situation I do not consider the proposed development to impact negatively upon the privacy of the residents of Tubs Hill Parade.
- 53 Finally the proposal may impact upon the amenity of the future occupants of Tubs Hill House, the proposed units would not offer any direct views into windows serving the development and therefore they would not impact upon the privacy of any future occupants.
- 54 For similar reasons as no windows serving Tubs Hill House would directly view the proposed development it is not considered to impact upon the outlook of the future occupants either.
- 55 Finally, in terms of light the windows on the rear of Tubs Hill House which have the potential to suffer a loss of light from the proposal serve the hallways of the development and not the flats, and therefore it would not be unacceptable for the proposed development to obscure a degree of light to these windows. However as the windows are located centrally on the rear elevation of each block, due to the location of the proposed units in relation to Tubs Hill House and their limited height I do not consider that they would cause a loss of light to the Tubs Hill House development.
- 56 In summary, for the reasons stated above I consider the proposed development to provide a suitable level of amenity for the future occupants while at the same time ensuring that the amenity of the surrounding residents is not impacted upon unacceptable. Consequently the proposal is in accordance with the *NPPF* and policy *EN2* of the *ADMP*.

Highways and Parking

- 57 The proposed units would be situated within the Tubs Hill House development which is served by an existing access onto London Road. The additional of two extra units is not considered to cause an unacceptable increase in traffic using the site and access point and therefore it is not considered to impact upon highways safety.
- 58 In relation to parking, the proposed development would result in a net reduction in parking spaces on site by three, through the use of several existing parking spaces to accommodate supports for the proposed units. This would reduce the number of parking spaces at the site from 116 to 113, it would also increase the number of units at the site by two from 95 to 97, leaving a total of 113 parking spaces for 97 residential units. This equates to 1.16 parking spaces per unit.
- 59 In accordance with the guidance for residential parking contained within appendix 2 of the ADMP a maximum of 1 parking space per unit is required in this town centre location. In light of this and given the location of the site which is in close proximity to the station, major bus routes and the amenities provided by Sevenoaks Town Centre I am satisfied that the parking provision to be retained on site would be sufficient and would comply with Policy T2 and Appendix 2 of the ADMP.

Trees and Landscaping

- 60 The proposed development is to be built in close proximity to a number of trees to the rear of the site that are protected by a recent TPO. An arboricultural survey and assessment has been submitted with the application which has been reviewed by the Council's Arboricultural Officer. The Arboricultural Officer has advised that provided that the disturbance to the raised area of land is kept to a minimum then there is no reason to object to the proposed development. He has however requested that further details are provided with regard to the construction of the patio but has advised that these could be dealt with via a condition attached to any permission.
- 61 In accordance with this advice several conditions will be attached to the permission to ensure the protection of the trees on and surrounding the site. The first condition will require the protective measures submitted to be fully implemented, a second condition will require details of the construction method of the patio area to be submitted to an approved in writing by the Council prior to the commencement of development.

CIL

- 62 As the proposal is for 2 new residential units it is CIL liable. The applicants have indicated on the submitted CIL questions form that they do not wish to apply for an exemption from CIL and therefore CIL is payable for the development.

Contamination

- 63 There is potential for the land at the site to be contaminated due to the previous use of the site. The Council's Environmental Health department have

reviewed the submitted contamination report and have advised that they are satisfied that there are no issues regarding contaminated land with the proposed development.

Working Hours

- 64 During the Consultation with the Council's environmental Health team it was requested by the Environmental Health Officer that a condition restricting the hours of construction to '08:00 to 18:00 hrs Monday to Friday, 08:00 to 13:00 hrs Saturdays with no work on Sundays and public holidays'. This is in order to ensure that the development does not impact upon the amenity of surrounding residents. I consider this justified and therefore the suggested condition will be attached to any permission granted.

Water and Waste

- 65 Thames water and South East Water have been consulted on the proposed development. South East water did not respond to the consultation while Thames Water advised that '*with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application*', they have also advised that South East Water are the body who control the water supply in this particular area. Given that Thames Water are satisfied with the waste arrangement I am satisfied that the proposal is acceptable in terms of waste.
- 66 Regarding water supply, although South East Water have not responded, due to the fact that the proposed development is located centrally in Sevenoaks in an existing urban area I am satisfied that there would be adequate provision in the local water supply to serve the development.

Other issues

- 67 A number of objections have been raised to the proposed development. Many of these have already been covered earlier on in this report; two however are outstanding and will be addressed here.
- 68 The first issue raised by neighbours which has not yet been addressed is that the proposal would impact negatively upon the value of the properties along Tubs Hill Parade. This is not a planning consideration and so cannot be considered as part of the application.
- 69 The second concern relates to trees on site and argues that there will be pressure to remove the trees on site at a later date. The majority of the trees on site which the future occupants would have the ability to potentially remove are covered by a recent TPO and so permission would be required to remove them and would need to be agreed by the Council's Arboricultural Officer before any trees could be removed. Consequently the future occupants would not be able to remove the trees on site without prior agreement of the Council and so I am satisfied that the trees are sufficiently protected.
- 70 In response to the concerns raised by local Councillors it is important to recognise that the NPPF advises that sustainable development should be

supported, paragraph 7 sets out that there are three dimensions to sustainable development: economic, social and environmental while paragraph 9 states that *'Pursuing unsustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life'*. The proposed development would be a good use of land within an urban environment which has good transport links and access to local services while at the same time making a meaningful contribution to the Districts housing supply by providing two much needed small residential units.

- 71 Paragraph 17 of the NPPF has also been raised by local Councillors as a concern as in their view the proposal does not accord with all of the 12 planning principles that underpin plan making and decision taking. It is worth noting here that decisions should be considered 'in the round' as advised in paragraph 12 of the NPPF and Section 70(2) of the Town and Country Planning Act and that development that accords with up to date plans should be approved unless material considerations indicate otherwise.
- 72 An important consideration in regard to this application are the other 12 planning principles including to name just one that *'allocations of land for development should prefer land of lesser environmental value'* such as the application site. As set out in this report when considered as a whole the proposed development complies with the development plan and there are no material considerations to override the presumption in favour of sustainable development, consequently planning permission should be granted.

Conclusion

- 73 I consider for the reasons detailed above and subject to conditions the proposal would be in keeping with the character and appearance of the area and would preserve neighbouring amenity. Consequently it is in accordance with the development plan and therefore my recommendation is to grant planning permission.

Background Papers

Site and Block plans

Contact Officer(s): Paul Dadswell Extension: 7463

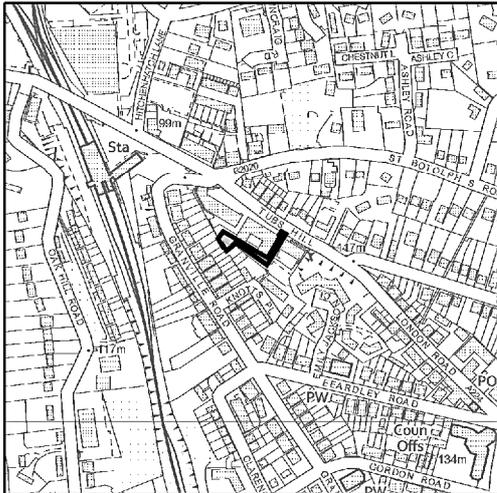
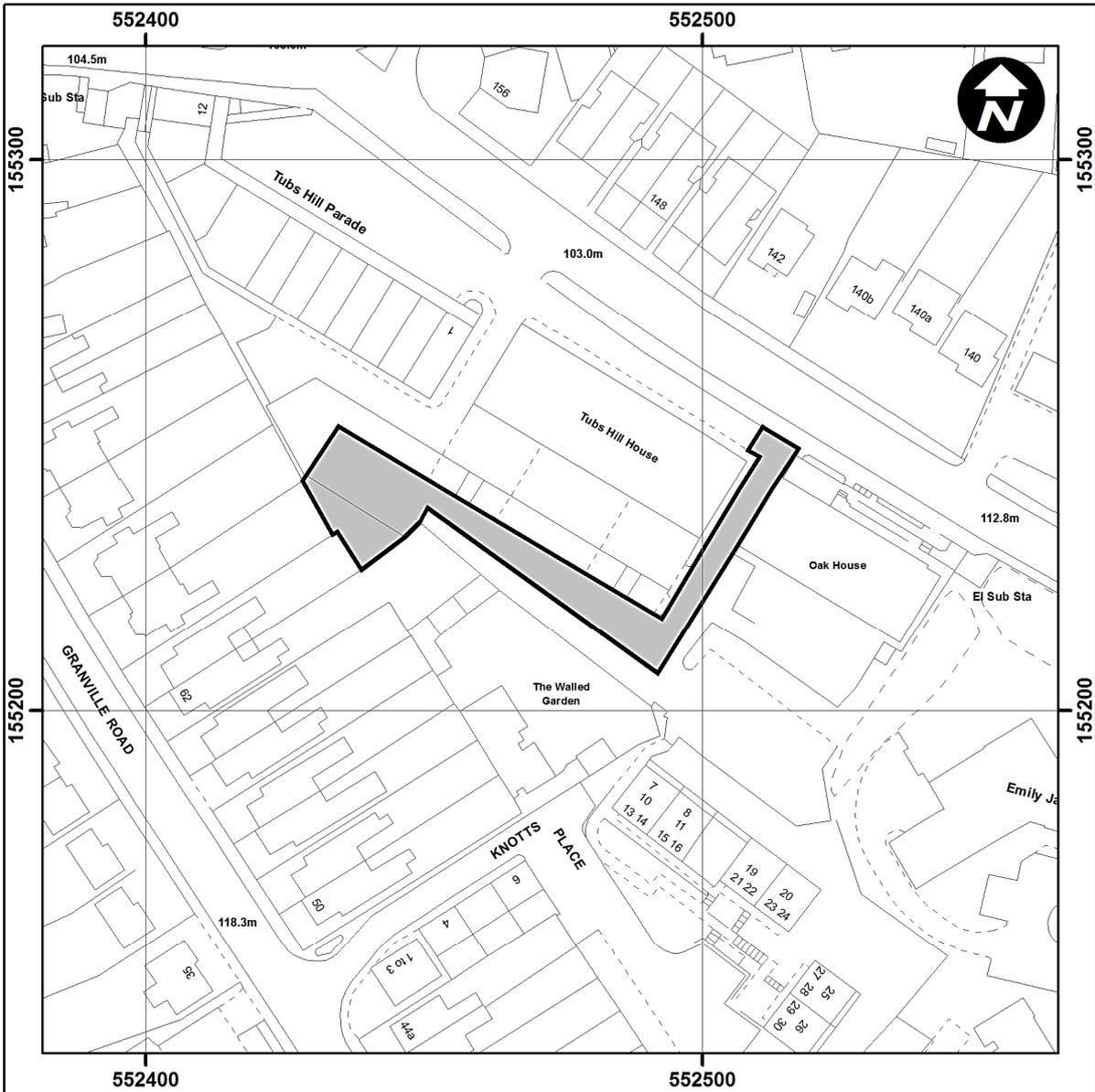
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODJGPSBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODJGPSBK0L000>



Site Plan

Scale 1:1,250

Date 21/11/2016



DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block Plan

