

4.2 19/02971/FUL

Date expired 26 December 2019

Proposal: Demolition of existing garage and erection of two single garages to serve plots 1 and 2, to be constructed and occupied only in connection with the two dwellings approved under consent references SE/18/00158/OUT and SE/18/02903/CONVAR.

Location: Summerhill, Seal Hollow Road, Sevenoaks KENT TN13 3SH

Ward(s): Sevenoaks Eastern

Item for decision

This application has been called to the Development Control Committee by Councillor Clayton on the grounds that that the proposal would impact the adjacent protected Oak tree.

RECOMMENDATION: That had Members decided the application they would have resolved to GRANT planning permission subject to the following conditions since the application has been appealed on non-determination:

- 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 development hereby permitted shall be carried out in accordance with the following approved plans: PL/552/10 Rev.B, PL/552/11 Rev.B, PL/552/12 Rev.B, PL/552/13 Rev.A and SH/TPP/1580-02-A.

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

- 3) The materials to be used in the construction of the development shall be those indicated on the approved plan PL/552/11 Rev.B and PL/552/12 Rev.B.

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.

- 4) The development shall be carried out wholly in accordance with the Arboricultural Report produced by Sylanarb, dated 21 October 2019 and the Tree Protection Plan SH/TPP/1580-02-A.

To ensure the long term retention of the adjacent protected Oak tree in accordance with the National Planning Policy Framework.

- 5) Prior to the commencement of the development, a detailed method statement relating to the demolition of the existing garage and the erection of the new garage building to the south-west corner of the site shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the existing garage might be used during the course of the development of

the wider site, how the demolition of the garage and removal of the existing slab would be carried out, how the additional excavation works would be carried out, how the new slab would be formed, how the new garage would be constructed, how the raised ground to the front and rear of the garage would be treated and how the whole process would be monitored. The development shall be carried out in accordance with the approved method statement.

To ensure the long term retention of the adjacent protected Oak tree in accordance with the National Planning Policy Framework.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Appeal Background

- 1 Members will note the applicant has lodged an appeal against non-determination of this application. Therefore it removes our powers to determine this planning application. The purpose of this committee report, is to inform the Planning Inspectorate of what our views are on the proposed scheme.

Description of site

- 2 The site comprises a large detached dwelling and detached garage building, set back a significant distance from Seal Hollow Road. The site is located just to the north-west of the junction with Blackhall Lane and shares boundaries with properties on Hillborough Avenue and Wildernesse Mount.
- 3 The dwelling is set within a spacious plot that generally reflects the pattern of development in the locality. The land generally rises up beyond to the site and beyond and a shared driveway access serves the site and Salterns to the south of the application site, which runs between Levenhurst and Sealcot.
- 4 There is an existing mature oak tree located within the boundary of Salterns, the canopy of which overhangs the boundary with the application site.

Description of proposal

- 5 The application seeks approval for the erection of two detached garages to serve the two new dwellings granted planning permission under 18/00158/OUT and 18/02903/CONVAR.

- 6 The garages would be single bay and single storey in height. One garage would replace the existing garage building to the south-west corner of the site to serve Plot 2 and the other would be situated towards the eastern boundary of the site, serving Plot 1

Relevant planning history

- 7 19/01237/REM - Reserved matters (Appearance, Landscaping) pursuant to condition 1 of application 18/02903/CONVAR - demolition of existing dwelling and construction of 2 replacement dwellings - Granted.
- 8 18/02903/CONVAR - Variation of condition 5 (scale parameters) and 13 (approved plans) of 18/00158/OUT for demolition of existing dwelling and construction of 2 replacement dwellings with some matters reserved - GRANTED.
- 9 18/02277/CONVAR - Removal of condition 5 (scale parameters) and variation of condition 13 (approved plans) of 18/00158/OUT for demolition two detached dwellings and garaging facilities; erection of 4 detached dwellings, garages and associated works with amendment to the requirement that development shall be carried out in accordance with the following approved plans: 4658-PD4-03, 4658-PD4-06 and 4658-PD4-07 - REFUSED.
- 10 18/00158/OUT - Outline application for access, layout and scale for the demolition of existing dwelling and construction of 2 replacement dwellings with some matters reserved - GRANTED.

Policies

- 11 National Planning Policy Framework (NPPF)
- 12 Core Strategy (CS)
- LO1 Distribution of Development
 - LO2 Development in Sevenoaks Urban Area
 - SP1 Design of New Development
- 13 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - T2 Vehicle Parking
- 14 Other:
- Residential Extensions Supplementary Planning Document (SPD)
 - Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

Constraints

15 The following constraints apply to the site:

- Built urban confines of Sevenoaks
- Partially within an Area of Archaeological Potential (western portion of the site)
- Adjacent protected Oak tree
- Source Protection Zone

Consultations

16 Sevenoaks Town Council

“Sevenoaks District Council recommended REFUSAL, on the following grounds:

- The continued additional risk posed to the mature Oak Tree which has a TPO in place, given that the most recent documentation provided by the applicant is unclear with regards to the exact nature and thickness of the concrete stand of the garage to Plot 2, which is situated within the Root Protection Area.
- Overdevelopment of the site and density issues.
- The proposal is not consistent with guidance contained within the Residential Character Area Assessment SPD.”

17 Tree Officer

“I have read the additional comments provided by the developer and those submitted by the Arboriculturist. I would have preferred the replacement garage to be installed outside of the RPA of the adjacent Oak tree. However, if this no longer viable I request that the replacement be constructed in accordance with the proposals as specified by the Arboriculturist and that the excavation and construction processes be adequately monitored.”

Representations

18 We received 4 letters of objection relating to the following issues:

- Size of the proposed slab for the garage adjacent to the protected Oak tree and the impact on the root protection area for the tree
- Monitoring of work during the construction phase
- Use of the garage as the site office and welfare facilities during the construction phase
- Over development of the site
- The phased increase in development across the site
- The tree is less adaptable today compared with when the exiting garage was erected, given its age
- An alternative design solution exists

- Failure to comply with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction - Recommendations)
- How the raised ground level would be treated
- Proposed position of the protective fencing to be erected on the site

Chief Planning Officer's appraisal

19 The main planning considerations are:

- Principle of the development
- Impact on the adjacent protected tree
- Impact on the street scene and character and appearance of the area
- Impact upon the residential amenity of neighbouring properties
- Impact upon highway safety

Principle of the development

20 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.

21 It is considered that the site is suitable for ancillary residential development, given that it currently has a residential use, has permission for the erection of two new dwellings, located close to the services offered within Sevenoaks Town Centre, and would protect the setting of the urban area and the distinctive character of the local environment.

22 The proposal therefore wholly complies with policy LO2 and the principle of the development of the site is one that the Council could accept provided the scheme complies with all other relevant development plan policies.

Impact on the adjacent protected tree

23 The NPPF, at paragraph 175, states that when determining planning applications, local planning authorities should apply a number of principles. These include the fact that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

24 As part of their assessment of the scheme as it was originally submitted, our Arboricultural and Landscape Officer raised a number of queries. These related to the detailing of the proposals and the potential impact that the replacement garage, proposed to serve Plot 2, could have on the root protection area of the protected Oak tree, which stands within Salterns.

25 In response to the above, the applicant has confirmed that the replacement garage would be constructed under the arboricultural advice provided and in accordance with construction methods under BS 5837:2012.

- 26 The proposed garage is to be built off a reinforced concrete slab, constructed within the depth of the existing garage floor slab, resulting in no further excavation within this area.
- 27 In terms of the increase in the size of the slab to accommodate the larger building, the applicant explains that the enlargement of the slab would total an additional 4m², which it is claimed is less than 1% of the total root protection area of the adjacent Oak tree.
- 28 The application also details that the new sub base would be laid with no dig restrictions. This means that the excavation of any soil would only be carried out by hand. Finally, the applicant proposes to use an impermeable membrane beneath the new concrete slab to avoid any soil contamination.
- 29 Our Arboricultural and Landscape Officer has indicated that his preference would be for the replacement garage to be installed outside of the root protection area of the adjacent Oak tree.
- 30 However, we are presented with an application to assess the acceptability of the replacement of the existing garage within the RPA of a protected oak tree. Our Arboricultural and Landscape Officer has indicated that the replacement garage in the same location can be carried out subject being constructed in accordance with the proposals as specified by the arboricultural advice received by the applicant and that the excavation and construction processes be adequately monitored.
- 31 In order to do this a condition has been recommended, which requires the submission of a detailed method statement that includes how the development would be carried out, including monitoring of the groundworks, to safeguard the health of the adjacent protected tree. This would be pre commencement condition.
- 32 In light of all the information submitted as part of the application and the recommended conditions proposed, this would ensure the long term retention of the adjacent protected Oak tree in accordance with the NPPF.

Impact on the street scene and character and appearance of the area

- 33 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para. 124).
- 34 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 35 The Sevenoaks Residential Character Area Assessment SPD highlights several locally distinctive positive features for the Wildernesse Mount Area. This includes individually designed, mostly two storey detached houses that are set back from the road with gaps between buildings, and hedged and tree boundaries. In proposing new development within the Wildernesse Mount Area the SPD states that development should be set back from the road and

retain space between buildings, and mature trees and hedged boundaries which contribute to the character of the area should be retained.

- 36 As noted above, the site is set back a significant distance from Seal Hollow Road. There is, however, a limited view into the site along the shared access driveway that serves the existing property and Salterns.
- 37 This view is mainly of the existing garage that stands in the south-western corner of the site. The proposed garage building would therefore be equally visible, with the second garage screened by Levenhurst.
- 38 The proposed buildings would be modest sized, single storey, single bay garages. As seen within the street scene these would therefore continue to appear well set back from the street and the landscaping that would surround the buildings would be unaffected.
- 39 Due to the modest size of the buildings, including their footprint, the proposed cumulative built form on the site would not result in an over development or a cramped form of development.
- 40 The proposal would, therefore, respect the street scene and preserve the character and appearance of the area in compliance with the NPPF, policy SP1 of the Core Strategy, policy EN1 of the ADMP and the Sevenoaks Residential Character Area Assessment SPD.

Impact upon the residential amenity of neighbouring properties

- 41 Paragraph 127 of the NPPF states that planning decisions should ensure that developments create a high standard of amenity for existing and future users.
- 42 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light. This policy also states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development.
- 43 The garage building proposed to serve Plot 1 would be situated a minimum of approximately 23m from the rear wall of Levenhurst and Dawning House to the east of the site.
- 44 The garage proposed to serve Plot 2 would be a minimum of approximately 13m from Salterns to the south of the site.
- 45 Given the proposed relationships and the distances of separation retained, the development would safeguard the amenities of the existing and future occupiers of nearby properties.
- 46 The garage proposed to serve Plot 2 would be a minimum of approximately 9m from the front of both approved units. The outbuilding to serve Plot 1 would be to the eastern flank of the approved dwelling.

- 47 Due to these proposed relationships it is also the case that the development would provide adequate residential amenities for future occupiers of Plots 1 and 2.
- 48 Overall, the development would be in accordance with the NPPF and policy EN2 of the ADMP.

Impact upon highway safety

- 49 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 50 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).
- 51 The proposed garages buildings would not alter the access to the site for vehicles or pedestrians.
- 52 The proposed buildings would not affect the layout of the approved development for the two new dwellings in such a way as to preclude access to the parking proposed for the development.
- 53 The development would therefore be in compliance with the NPPF and policies EN1 and T2 of the ADMP.

Other issues

- 54 In response to the matters raised by the representations received, which are not covered in the main body of the report above, it is considered that conditions requiring adherence to the submitted arboricultural report and a detailed method statement are sufficient to ensure that the protected tree would not be damaged by the works to complete the proposed development.
- 55 The method statement would also identify any use of the existing garage as a site office and welfare facilities during the construction phase and how the raised ground levels would be treated.
- 56 Any phased approach to gaining planning permission for development on the site is not a material consideration to the assessment of this planning application.
- 57 Our Arboricultural and Landscape Officer has assessed the scheme and found it to be acceptable. This assessment would take account of all aspects of the health of the tree including its adaptability and the appropriateness of the positioning of the protective fencing to be erected during construction works.

58 The British Standard for trees comprises recommendations in relation to design, demolition and construction. This document does not, therefore, form part of the development plan, against which planning applications are considered. The proposed development is deemed to be acceptable when assessed against the development plan.

Community Infrastructure Levy (CIL)

59 This proposal is not CIL liable.

Conclusion

60 The proposal complies with the development plan.

61 It is therefore recommended that the Council resolves to inform the Inspector that had we made a decision on the application it would have been to GRANT planning permission for the proposed development.

Background papers

Site and block plan

Contact Officer(s): Mike Holmes

Contact : 01732 227000

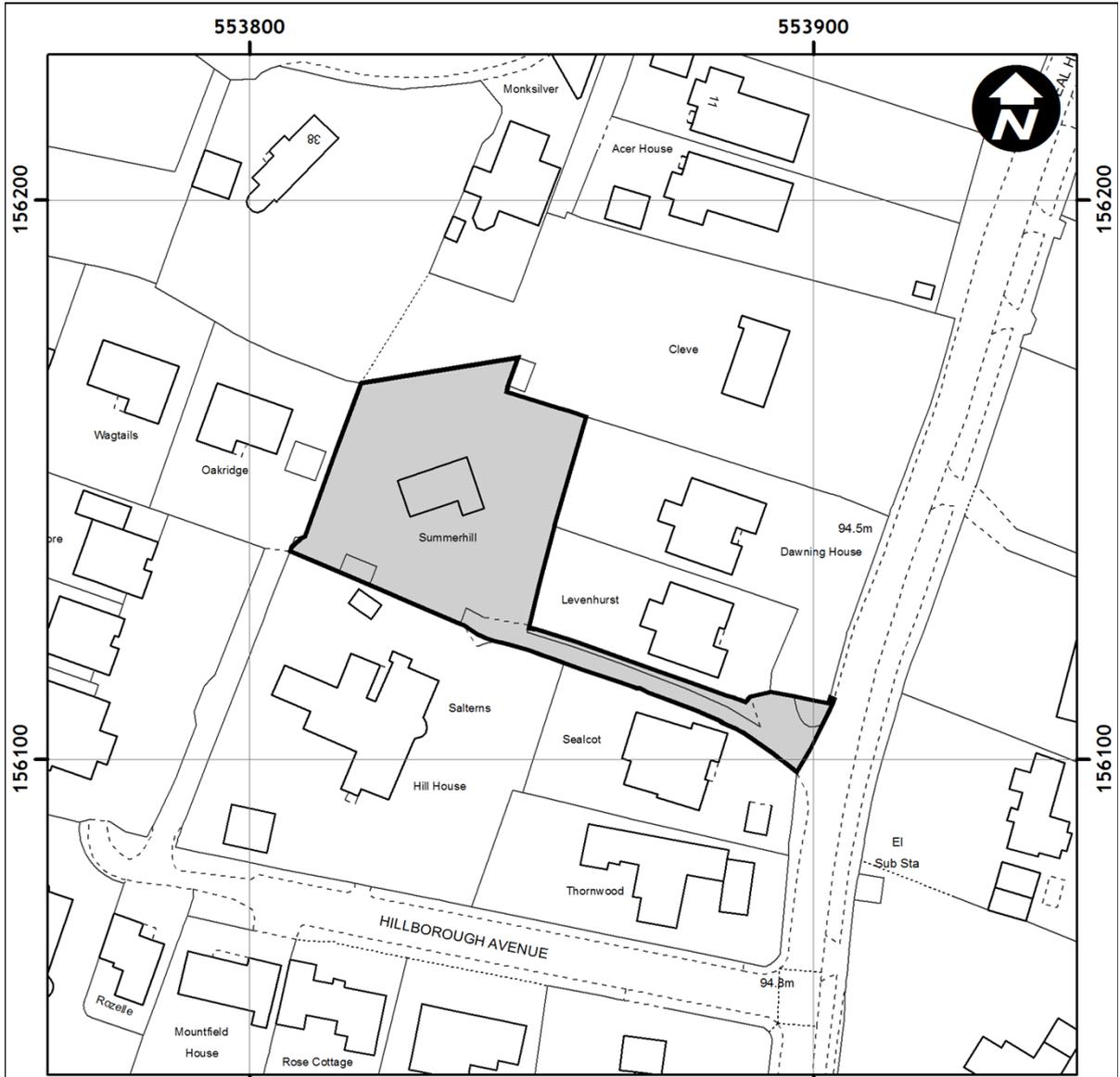
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZS9LKBKGGR00>



Site Plan

Scale 1:1,250

Date 20/02/2020



DISTRICT COUNCIL

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Ordnance Survey 100019428.

