

4.5 - 23/03609/CONVAR Revised expiry date 14 March 2024

Proposal: Variation of condition 2 (occupation of accommodation) of SE/89/02141 for erection of Headmasters house and subsidiary staff accommodation. To remove occupancy condition for staff accommodation

Location: Ground & First Floor Flats, School House, 73 Solefields Road Sevenoaks Kent TN13 1PH

Ward(s): Sevenoaks Kippington

Item for decision

This application is being referred to Development Control Committee, as the applicant is Quercus Housing Limited, which is owned by Sevenoaks District Council.

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

1) The Headmasters House, as shown on drawings 53784_1 Rev 02 53784_2 Rev 02 shall be occupied solely by persons employed at Solefields school unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the amenities of the locality, in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

2) The window(s) in the first floor south elevations shall be glazed in non-transparent glass and shall be permanently maintained as such.

In the interests of the residential amenities of the area, in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan

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.

Description of site

- 1 The site relates to a two-storey building located on a corner plot, at the junction of Solefields Road and Fiennes Way.
- 2 The site is located within an existing residential area and lies within the Sevenoaks urban area. Dwellings lies to the north, south and west of the site.

- 3 The site lies outside the immediate land boundaries of Solefield Preparatory School, which is accessed further along Fiennes Way, adjacent to the site, along its east boundary.
- 4 The two-storey building provides residential units of accommodation and is split to accommodate a self-contained Headmaster's School House on the east section of the building, and two 1-bedroom self-contained flats for staff accommodation on the west extent of the building.
- 5 Two separate entrance points to the building distinguish the entrance to the Headmaster's School House, from the entrance to the flats, both of which are accessed along Fiennes Way.

Description of proposal

- 6 Planning permission was granted under SE/89/02141 for the erection of a building to provide a Headmasters house, and subsidiary staff accommodation.

- 7 Condition 2 (occupation of accommodation) of planning consent SE/89/02141 states:

"The proposed accommodation shall be occupied solely by persons employed at Solefields School unless otherwise agreed in writing with the District Planning Authority.

Reason: In the interests of the amenities of the locality"

- 8 It is proposed to vary condition 2 to remove the occupation restriction imposed on the two flats, to enable this accommodation to be used as open market housing, rather than be tied to occupation by school staff.

- 9 It is intended for the condition to remain in force for the Headmasters house, so that this accommodation continues to be occupied by school staff. Drawings 53784_1 Rev 02 53784_2 Rev 02 show the existing separation of the flats from the Headmasters House, so it is clear to which parts of the building the occupancy restriction would still relate.

Relevant planning history

- 10 SE/89/02141 - Erection of Headmasters house and subsidiary staff accommodation.

Policies

- 11 National Planning Policy Framework (NPPF)
- 12 Core Strategy (CS)
 - SP1
- 13 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets

14 Sevenoaks Town Neighbourhood Plan (STNP)

- C1 Heritage
- C4 Design in residential areas

15 Other:

- Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD). Section D02 of the document.

Constraints

16 The following constraints apply:

- Urban confines of Sevenoaks
- Solefields Road Area Residential Character Area
- Area of Archaeological Notification

Consultations

17 Sevenoaks Town Council – recommend approval

18 Informative: The Town Council requested whether a condition could be put in place to ensure that the units remain as affordable housing should the units change hands.

19 Housing Policy - support

20 Quercus Housing Ltd, the Council's independent affordable housing company, have had their offer to purchase the Ground and First Floor flats at Solefields School House accepted.

21 Quercus Housing Ltd intend using the flats as general housing to provide new permanent affordable housing for rent. The flats will be allocated to applicants from the Sevenoaks District Housing Register. For this reason, the offer of purchase is subject to the removal of the occupancy restriction that was imposed as a Condition under permission SE/89/02141.

22 The Targeted Review of Local Housing Needs 1/2022 identified an annual need for 423 new affordable homes. The Council's adopted Housing Strategy 2022-2027 and the emerging Local Plan 2040 acknowledge the District is a very popular and well connected place to live, but this also makes it expensive. Median house prices in the District are almost J100,000 higher than in the South East, and the highest in Kent. The documents recognise the acute need for genuinely affordable housing for rent to ensure local people can secure suitable housing that meets their needs.

23 The Housing Strategy goes on to recognise the importance of making the best use of the existing housing stock in light of planning constraints which restrict new development, e.g. due to the District being 93% Green Belt. This means, where appropriate and viable, acquiring existing open market housing and converting it to affordable housing.

24 As a non-stockholding local housing authority, the adopted Sevenoaks District Housing Register Allocations Scheme enables the Council and its partner housing providers, including Quercus Housing Ltd, to work together to ensure we prioritise those most in need of affordable housing.

- 25 Quercus Housing Ltd provides 100% nomination rights to the Housing Register and their contribution in helping us meet our statutory housing duties is invaluable. In October 2023, there were 821 applicants on the Housing Register, with approximately 50% of applicants needing 1 bedroom accommodation. The average wait time for one bedroom accommodation across all four priority Bands of the Housing Register (Band A - Urgent need to move, Band B - High Priority, Band C - Medium Priority and Band D - Low Priority) is 15 months.
- 26 Homes built or acquired by Quercus Housing Ltd are not subject to any statutory Right to Buy or Right to Acquire. This means subject to purchase, the flats would be retained by Quercus Housing Ltd as affordable housing in perpetuity. Due to the acute need for permanent affordable housing for rent, movement (or churn) within the existing affordable housing stock is very low. Out of a stock of 6,600 affordable homes for rent, an average of 230 homes per year have become available for re-letting over the last 3 years, ie a churn rate of 3.5%. It is therefore highly likely that those allocated these homes would remain in occupation for a considerable length of time.
- 27 We therefore fully support Quercus Housing Ltd.'s application for the removal of the occupancy condition in relation to the Ground and First Floor flats to enable the homes to be provided for waiting applicants registered for housing with Sevenoaks District Council.
- 28 Planning Policy – no response received.

Representations

- 29 Two letters of objection have been received relating to the following issues:
- Impact of demolition/construction of built form on neighbouring amenities
 - Exacerbate existing parking pressures along the road and existing congestion.

Chief Planning Officer's appraisal

- 30 The main planning considerations are:
- Principle of Development in considering an application to vary conditions
 - Impact of the variation on the character of the area
 - Impact of the variation on neighbouring amenity
 - Other issues

Principle of Development in considering an application to vary conditions

- 31 Relevant legislation and policy for varying planning conditions
- 32 An application to vary a planning condition of a planning permission is made under Section 73 of the Town and Country Planning Act 1990 (as amended) (the 'TCPA') and is a way of varying a condition, in order to make amendments to the approved development.
- 33 The TCPA 1990 directs that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. An assessment of whether the amendment sought is appropriate should consider whether the proposed amendments are consistent with the development approved and are

otherwise acceptable and compliant with relevant planning policy and guidance, taking into account any other material considerations.

- 34 This assessment should also consider whether any national or local policies or other material considerations have materially changed since the original grant of planning permission.
- 35 There have been changes to the development plan since planning permission was granted originally in the 1990s. The variation of condition must therefore be assessed against the current adopted policy framework of the Council. This is the Sevenoaks Core Strategy (CS) (adopted 2011), the Sevenoaks Allocations and Development Management Plan (ADMP) (adopted 2015) and its supplementary planning documents (where relevant). The Sevenoaks Town Council has further produced a Neighbourhood Plan (adopted 2023) which provides the up-to-date local policy framework for assessing the application.
- 36 In national policy, the National Planning Policy Framework (NPPF) has been introduced and an amendment to the scheme must have regard to this as a material planning consideration. There have been no other changes to material considerations since the last decision that would materially impact the consideration of these proposals.

Principle of varying planning condition

- 37 The variation of condition 2 to remove the occupancy restriction imposed, would take account of changing working practices over the last three decades where it is now commonplace for school staff to live privately elsewhere and commute to their place of work, rather than living within the school grounds, or directly adjacent to the school. In this instance, Sevenoaks Preparatory school no longer require the flats to be utilised by their staff members, in line with changing work practices.
- 38 The site would remain in its existing lawful residential land use (a C3 Use Class) and relevant national and local policy has no requirement that school staff must live on site, with this being down to individual preferences of each school site.
- 39 As such, the principle of varying the occupancy condition to remove the requirement for school staff to occupy the flats is acceptable in principle and would not conflict with national and local policy requirements.
- 40 This is subject to the variation being acceptable, having regard to the relevant policy constraints of the site. These are discussed further below.

Impact of the variation on the character of the area

- 41 The relevant policies relating to design and the character of the area are SP1 of the Core Strategy and EN1 of the ADMP, as well as policy C4 of the ADMP. The site lies within the Solefields Road Area Residential Character Area and a supplementary planning document provides design guidance on this area.
- 42 The existing flats are already in a residential use and utilise a separate entrance onto Fiennes Way to distinguish the flats from the entrance to the Headmaster's School House. Existing boundary treatments distinguish the flats from the Headmaster's School House.
- 43 The variation of condition 2 would entail no physical alteration to this existing lawful situation and as such would conserve the existing residential character of the area.

- 44 The variation of condition 2 would therefore be acceptable, having regard to relevant design policy.

Impact of the variation on neighbouring amenity

- 45 Policy EN2 of the ADMP applies here.
- 46 Third party representations have expressed concern that the variation of the occupancy condition is leading to new construction/demolition works.
- 47 No construction, demolition or physical alteration of the existing building is taking place, in order to vary condition 2. The variation would simply allow non-school staff to reside in the building and would not alter the existing residential use of the site.
- 48 As such the existing amenities of neighbouring residents, and occupants of the existing development would be conserved, as existing. The variation of condition 2 would comply with relevant policy.

Other issues

Parking and highways safety

- 49 Third party representations have expressed concern that the variation of the occupancy condition is leading to new construction/demolition works which could impact traffic congestion and parking within the surrounding area.
- 50 As above, no construction, demolition or physical alteration of the existing building is taking place, in order to vary condition 2. As such the existing parking provisions and highways safety conditions of the area would be conserved, as existing.

Affordable Housing

- 51 The Town Council has expressed a desire for a planning condition to be imposed to require the flats to be affordable housing.
- 52 Whilst the applicant of the site is an affordable housing provider, there is no local policy which requires a creation of two dwellings to be affordable.
- 53 Furthermore, the flats are existing units of accommodation, and are not new accommodation. Use, either as market housing or affordable housing, would not alter the impact of the proposals on any relevant planning policies. As such, it would be unreasonable to impose this restriction, having regard to the procedure for imposing planning conditions outlined under paragraphs 55-56 of the NPPF.

Archaeology

- 54 The site is within an area of archaeological notification, however no groundworks or external alterations to the site are proposed. As such, the existing archaeology would be conserved, in accordance with policy EN4 of the ADMP and policy C1 of the STNP.

Variation of conditions

- 55 As the historic permission has already been implemented on site, the planning conditions imposing a time limit on the permission, its building materials, parking spaces and landscaping no longer apply and can be removed from the updated decision notice for the development.

- 56 The existing obscure glazing conditions to the south-facing first floor of the building can be retained to ensure obscure glazing to these existing windows continues to be retained in perpetuity.

Community Infrastructure Levy (CIL)

- 57 The development is CIL liable, but no new floorspace is being created.

Conclusion

- 58 In conclusion, the removal of the occupancy restriction to the existing residential flats would conserve the existing character of the area, neighbouring amenities, and all other relevant material planning considerations reviewed above.

- 59 It is therefore recommended that **planning permission is granted** subject to:

- 60 Condition 2 of planning consent SE/89/02141 can be varied, from:

“The proposed accommodation shall be occupied solely by persons employed at Solefields School unless otherwise agreed in writing with the District Planning Authority.”

To:

“The Headmasters House, as shown on drawings 53784_1 Rev 02 53784_2 Rev 02 shall be occupied solely by persons employed at Solefields School unless otherwise agreed in writing with the Local Planning Authority.”

Background papers

- 61 Site location plan - 53784_1 02 First floor flat and block plan -53784_2 02 Ground floor flat and block plan

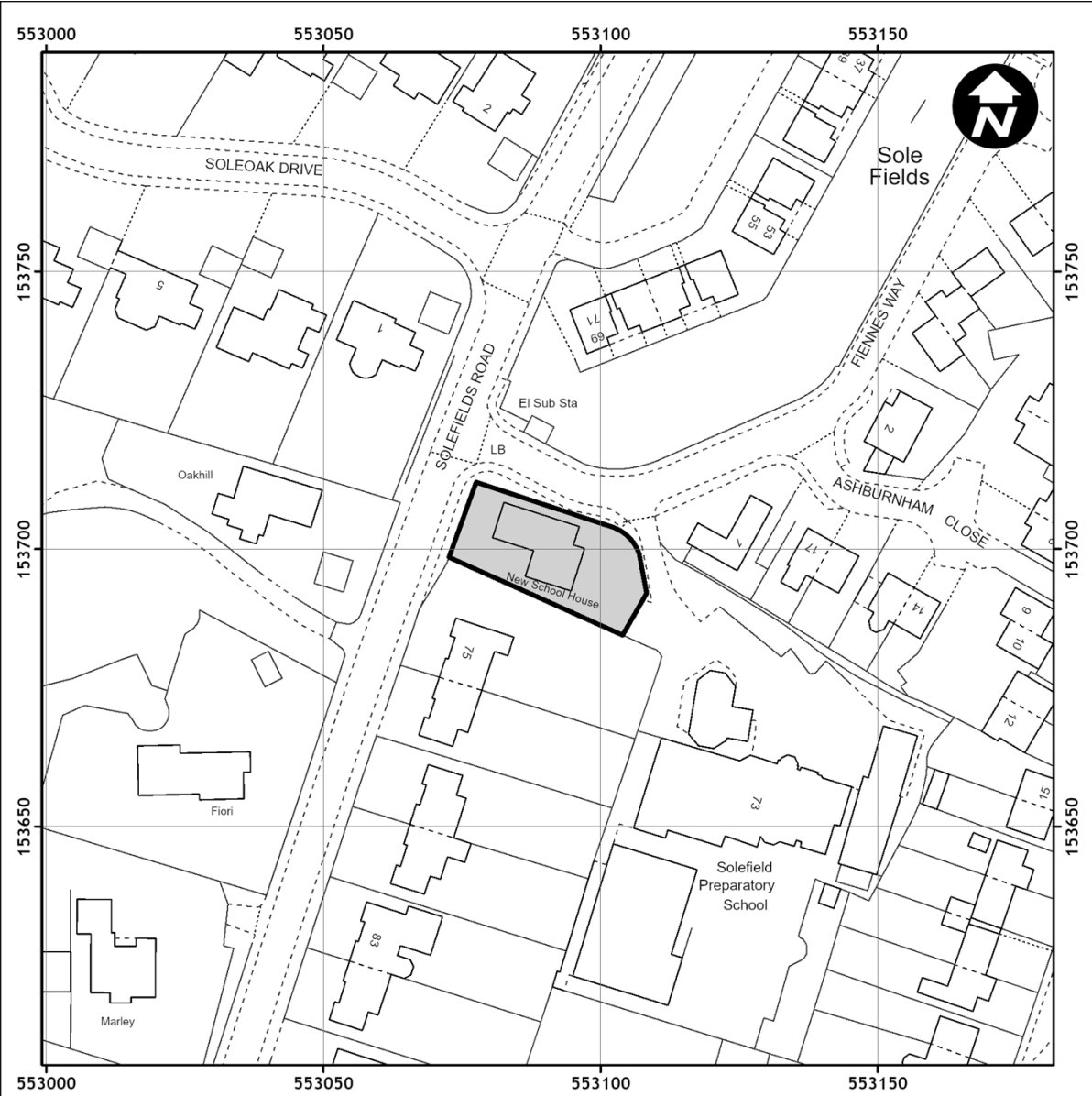
Contact Officer(s):

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[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
 Date 20/02/2024



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 Ordnance Survey AC0000822250

BLOCK PLAN

