

4.3 - 24/00576/FUL

Revised expiry date 9 September 2024

Proposal: Conversion of existing 3 bed flat with single storey rear extension, to 2 x one-bedroom flats and 1 x two-bedroom flat including alterations to retaining wall. New external wc's for commercial unit.

Location: 28 London Road, Riverhead, Kent TN13 2DE

Ward(s): Dunton Green & Riverhead

Item for decision

This application has been called to committee by Councillor Bayley for consideration of the development's impact on parking.

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 development hereby permitted shall be carried out in accordance with the following approved plans and details: 23099 P400 (Proposed Sections), 23099 P200 rev. P2 (Proposed Floor Plans), 23099 P450 rev. P2 (Proposed Elevations), 23099 P150 rev. P1 (Proposed Site Plan), 23099 P451 (Existing and Proposed Elevations Retaining Wall Zone), 23099 E001 (Existing Site Location Plan), 23099 P001 (Design and Access Statement), application form dated 01/03/2024 (excluding site address) and Application Form (revised address)(version 2018.1)

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

3) No development shall take place until details of all external materials (including but not limited to, walls, roof, windows, rooflights and doors), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To maintain the integrity and character of the Conservation Area as supported by policy EN4 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place until a strategy for surface water drainage for the site has been submitted to and approved in writing by the local planning authority, demonstrating that the development would minimise the risk of surface water flooding both on and off site. The approved development shall accord with the approved details and be completed in full prior to the first occupation of the development hereby permitted and shall thereafter be retained.

To ensure that the principles of sustainable drainage are incorporated into the development and to mitigate impacts of surface water flooding for occupants and neighbours of the

development, in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan, and the aims and objectives of the National Planning Policy Framework.

5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The Statement shall include details of: - The parking and turning areas for construction and delivery vehicles and site personnel, - Areas for the loading and unloading of plant and materials, - Storage of plant and materials used in constructing the development, - Wheel washing facilities, - The routing of construction and delivery vehicles to/from the site, - The timing of deliveries, - Demolition and construction working hours, - measures for the control of noise, dust and dirt, - A scheme for the recycling/disposing of waste resulting from demolition and construction works. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users adjacent to the site in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan; and to ensure the amenities of surrounding neighbours are safeguarded, in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

6) No works shall commence on site until an arboricultural impact assessment and method statement has been submitted to and approved in writing by the Local Planning Authority. The details shall include a site plan clearly showing the trees to be retained, including areas of protective fencing if appropriate, and a detailed method statement detailing how the extension will be constructed (including foundations) to prevent damage to the trees, their canopies and roots and working practices during the course of construction (including the approach if roots are found during works). The method statement shall be carried out by a qualified arboriculturalist and the development shall be carried out in accordance with the approved details.

To protect the trees on the boundary which are to be retained in the interests of the visual amenities of the locality and to conserve the character and appearance of the conservation area in accordance with Policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan.

7) Within three months of works commencing on site, details of the proposed hard and soft landscaping, including boundary treatments, shall be submitted to and approved in writing by the local planning authority. All proposed hard surfacing shall be permeable. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the first occupation of the development hereby approved and thereafter retained. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure that the appearance of the development is in harmony with the existing character of the area and Conservation Area, and in the interests of privacy as supported by Policy EN1, EN2 and EN4 of the Sevenoaks Allocations and Development Management Plan and to ensure that the development does not increase the flood risk in accordance with the aims and objectives of the NPPF.

8) The noise mitigation measures as detailed in report 'Noise Impact Assessment' by SWECO dated 20/02/2024 (Report Ref: 65211807-SWE-XX-XX-T-U-0001 Rev. C02) (The Report) shall be implemented as part of the development. Prior to first occupation, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess the performance of the noise mitigation measures against the noise levels as set in the report. If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to occupation. The mitigation measures must be retained thereafter.

In order to safeguard the amenity of future occupiers of the proposed dwellings in accordance with policies EN2 and EN7 of the Allocations and Development Management Plan.

9) Prior to commencement of development of the residential units hereby approved, an enhanced scheme of sound insulation (an improvement in the region of 10dB over that required in Building Regulations Document E) shall be submitted to and approved by the local planning authority to prevent nuisance from airborne and impact noise from likely and ordinary sources from the ground floor commercial activities and living activities of the occupants of those dwellings. The sound insulation test and evaluation and selection of the mitigation scheme shall be undertaken by a competent person. The development shall be implemented in accordance with the approved details.

In order to safeguard the amenity of future occupiers of the proposed dwellings in accordance with policies EN2 and EN7 of the Allocations and Development Management Plan.

10) Prior to first occupation of the units hereby approved a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess the performance of the noise mitigation measures against the noise levels as set in the report and recommend any additional mitigation measures required. Any agreed mitigation must be installed and maintained thereafter.

In order to safeguard the amenity of future occupiers of the proposed dwellings in accordance with policies EN2 and EN7 of the Allocations and Development Management Plan.

11) Prior to first occupation of the residential units hereby approved, a scheme for alternative means of ventilation and air cooling and heating must be submitted to and approved in writing by the Local Planning Authority to demonstrate that: -The alternative means of ventilation and cooling will not compromise any noise protection measures -The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants-The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions. The means of ventilation must be in accordance CIBSE TM59 2017 - Design methodology for the assessment of overheating risk in homes and comply with Approved Document O "Overheating" of the Building Regulations. The alternative means of ventilation and cooling shall be implemented in accordance with the approved details prior to first occupation and maintained thereafter.

In order to safeguard the amenity of future occupiers of the proposed dwellings in accordance with policies EN2 and EN7 of the Allocations and Development Management Plan.

12) Prior to completion of the development, details (including location) of ecological enhancements to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The details will be implemented as approved prior to first occupation of the development.

In the interest of biodiversity in accordance with policy SP11 of the Core Strategy.

13) Prior to the first occupation of the residential units hereby approved, the cycle storage as seen on drawing number 23099 P150 rev. P1 shall be implemented and retained thereafter.

To ensure adequate cycle storage are provided in accordance with policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

14) The measures proposed within section 6 the Transport Statement (Magna Transport Planning, ref 24/323/27A, dated February 2024) shall be provided on site prior to the first occupation of the dwellings hereby approved.

To ensure there is no adverse impact on the highway network and to encourage sustainable forms of travel, in accordance with Policy SP1 of the Sevenoaks Core Strategy.

15) Prior to first occupation of the dwellings hereby approved, the secure refuse storage as seen on drawing number 23099 P150 rev. P1 shall be implemented and retained thereafter.

In order to provide adequate refuse facilities in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

16) Notwithstanding the approved drawings, the window(s) in the east facing elevation, shown on plan 23099 P200 rev. P2 as serving the bathroom of Flat 2 of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3. This window shall be permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained as such.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) Proposals to construct a drainage system to connect to a public sewer or to be adopted as part of the public sewer system require the prior consent of the relevant Water Company.

3) Scotia Gas Networks (SGN) highlights that there are a number of risks created by building over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.

- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.

- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within SGN gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk> to assess any risk associated with your development and

2. Contact SGN Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone them with general plant protection queries.

See the contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on their gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

-SGN free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>

-Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

4) Consideration should be given to an asbestos survey of the buildings to be converted.

5) It is important to note that planning permission does not convey any

approval to carry out works on or affecting the public highway.

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 application site sits on the eastern side of London Road in Riverhead, its frontage lying within a parade of shops and commercial uses. The property itself contains a mix of uses, with commercial units at ground floor (currently occupied by a mini-cab office and cafe) and an existing 3 bedroom residential flat above, accessed via a front door direct from London Road and positioned at the southern end of this elevation.
- 2 There is a good-sized garden to the rear, which sits at a much higher ground level than the front of the property, being broadly level with the first floor. There is also a ground floor outdoor seating area to the rear which serves the café.
- 3 The site is situated in Sevenoaks Urban Area and Riverhead Conservation Area.

Description of proposal

- 4 The application proposes the conversion of existing first floor 3-bedroom flat, together with single storey rear extension, to 2 x one-bedroom flats and 1 x two-bedroom flat, including alterations to a retaining wall and the installation of new external W.C.s for the commercial unit.
- 5 Flat 1 would utilise the existing access to the flat, via an internal staircase, and would have a bridge to access the garden. Flat 2 and 3 will utilise the repositioned stairs via the alley. Flat 2 would then be accessed via a bridge, and Flat 3 would have direct access from their garden. Each property would have their own area of private amenity space.

Relevant planning history

- 6 03/03043/CAC - Removal of single/two storey later additions and introduction of new windows and ground floor rear door. Status: Refused
- 7 04/00386/FUL - Removal of single and two storey later additions and introduction of new windows and ground floor door. Erection of 3 bed bungalow in rear garden. Status: Refused
- 8 04/00386/FUL - Removal of single and two storey later additions and introduction of new windows and ground floor door. Erection of 3 bed bungalow in rear garden. Status: Refused
- 9 15/03427/FUL - Proposed redevelopment of rear garden site for a 2-bedroom bungalow with glazed canopy link. Status: Refused

Policies

- 10 National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

The same paragraph states that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs (National Landscape), designated heritage assets and locations at risk of flooding.

11 Core Strategy (CS)

- SP1 – Design of New Development and Conservation
- SP5 – Housing Size and Type
- SP7 – Density of Housing Development
- SP11 - Biodiversity
- LO1 – Distribution of Development
- LO2 – Development in Sevenoaks Urban Area

12 Allocations and Development Management Plan (ADMP)

- SC1 – Presumption in Favour of Sustainable Development
- TLC4 – Neighbourhood and Village Centres
- EN1 – Design Principles
- EN2 – Neighbouring Amenity
- EN4 – Heritage
- EN7 - Pollution
- T1 – Mitigating Travel Impact
- T2 – Vehicle Parking

13 Other:

- Conservation Area Appraisal: Riverhead
- Kent Design Review: Interim Guidance Note 3 – Residential Parking

Constraints

14 The following constraints apply:

- Conservation Area: Riverhead
- Medium Surface Water Flood Zone (front of site)
- Archaeological Notification Area
- Area Quality Management Area
- Scotia Gas Network
- Source Protection Zone 2 and 3
- Local Centre

Consultations

15 Riverhead Parish Council: Objection

There is no parking for these flats. Over development of site. Already congested area for parking.

16 SDC Conservation Officer:

17 Assessment

The proposals sit discretely and are confined to the rear of the host building. The prominent front façade that contributes positively to the character of the conservation area remains unchanged. The proposed additions will not be visible from the street scene and residential use of the floors above a shop is consistent with traditional use patterns in the centre of the conservation area.

18 Conclusion

The proposals will not harm the character or appearance of the conservation area and are therefore supported when assessed against policy EN4 and the relevant policies of the NFFF at chapter 16.

19 SDC Tree and Landscape Officer:

20 After a desk-top review of this application, I can confirm that there are no existing TPOs on site however the area is within the Riverhead Conservation Area. No arboricultural documents have been submitted with the proposal. I visited the site but could not gain access to the rear of the property, however I could see a number of mature trees and hedgerows along the southeast boundary of the property. When reviewing the case officer site visit photos, I note that there are no significant trees or vegetation within the boundary of the proposal itself, however the mature trees and vegetation I saw from the roadside are indeed growing along the boundary from the neighbouring property. The photos reveal that there is a significant ground level difference between the neighbouring property and the proposed extension to the rear, which is the lower level. Although the difference in ground level could suggest a lack of significant rooting activity from the neighbouring trees, the process of excavation for foundations alongside the general construction of the extension could result in a potential impact to the neighbouring trees. It is also worth considering that the skylights designed to face the neighbouring side would also potentially be impacted by these trees and present potential issues in the future with regular maintenance and pressure to reduce or remove the trees to allow for more light. If permission were to be granted, I would suggest that these potential issues were considered in the design of the extension, and I would recommend that a condition be applied requiring a tree protection plan be submitted for approval prior to works taking place.

21 SDC Environmental Health Officer:

Although there is no objection to this application, the following comments and recommendations are made:

22 Noise

The 'Noise Impact Assessment' by SWECO dated 20/02/2024 (Report Ref: 65211807-SWE-XX-XX-T-U-0001) has been reviewed. Appropriate noise measurements have been undertaken in order to assess noise levels both inside the proposed flats and also in the external garden areas. The report concludes that the north, south and west facing rooms will experience internal noise levels above those required in BS8233:2014 unless appropriate mitigation measures are installed. This includes keeping windows closed, enhanced acoustic glazing and an alternative form of ventilation (to avoid windows being opened). Sound reduction performance levels

of the glazing and ventilation are provided in Table 6 of the report. In terms of ventilation, the report advises mechanical ventilation (MVHR) is the best option as this will also address any overheating. Additional measures to prevent overheating are also provided on page 26 of the report.

23 Due to the location of the property within an Air Quality Management Area (AQMA), mechanical ventilation also is the preferred option. Inlets for this must be on the rear of the property to avoid polluted air being drawn into the premises. In addition, the installation of the MVHJR system must not increase internal noise levels above those in BS8233:2014.

24 Noise levels in the rooms on the east façade are compliant with BS8233 with windows partially open for ventilation.

25 Noise levels in the garden areas are compliant with the criteria in BS8233:2014.

26 The noise report has also covered noise transmission internally between the commercial use on the ground floor and the flats above in terms of sound insulation. The report proposes an enhancement of 5dB over that required in Building Regulations Document E. An enhancement of 10dB is preferred. A sound insulation test was not undertaken and no building design proposals for the floor/ceiling partition have been proposed, so it will be important to ensure that this criteria is achieved during the conversion.

27 Conditions were also recommended relating to [Noise mitigation measures, sound insulations and alternative ventilation and cooling]. Full comments available online.

28 Construction Environmental Management Plan:

It is recommended that a condition requiring a Construction Environmental Management Plan to be submitted for approval prior to any works commencing is placed on any permission. This is to minimise the impact of the construction works on any nearby premises. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. There should be no burning whatsoever on site.

29 Asbestos

Consideration should be given to an asbestos survey of the buildings to be converted.

30 KCC Highways and Transportation:

The development is located in a sustainable location, with nearby facilities and public transport links. As such, I consider the nil provision of vehicle parking for the flats to be acceptable.

31 Lead Local Flood Authority:

No comment

32 KCC Archaeology:

No comment received.

33 Utilities:

Standard advice or no comments received.

Representations

- 34 4 letters of objection have been received relating to the following issues:
- Lack of parking and impact on surrounding roads
 - Already very limited on street parking, this will exacerbate the problem
 - Insufficient buses
 - Cycle parking not appropriate given the dangerous roundabout and lack of cycle lanes
 - Insufficient and time limit parking on London Road
 - Parking permits should be introduced
 - Lack of site notice

Chief Planning Officer's appraisal

- 35 The main planning considerations are:
- Principle of development
 - Design and impact on character of the area, including Conservation Area
 - Residential Amenity
 - Parking and Highways
 - Flood Risk and Drainage
 - Impact on Trees
 - Biodiversity

Principle of the development

- 36 Policy L01 of the Core Strategy states that new development should be focused within existing settlements. The application site is located within the urban confines of Sevenoaks urban area.
- 37 Policy LO2 of the Core Strategy focuses on development within the Sevenoaks Urban Area, seeking provision for additional dwellings on a range of sites. It highlights that development will be permitted where it will deliver housing in sustainable locations and where it secures the protection of the distinctive character of the local environment. Design and visual amenity will therefore be key factors in considering whether additional housing is appropriate, as well as the sustainability of the location.
- 38 Policy SP5 states that new housing development should contribute to a mix of different housing types in residential areas taking into account the existing patterns of housing in the area, evidence of local need and site-specific factors. The policy seeks the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the district's housing stock.
- 39 Policy SP7 of the Core Strategy states that in urban areas in Sevenoaks a housing density of 40 units per hectare will be achieved. In areas closer to the Town Centres, this density figure will be higher (expecting 75 per hectare in Sevenoaks Town Centre). It is noted that this Policy cannot be considered up to date in relation to the policies of the NPPF, as it fails to reflect national policies to make the most efficient use of land and has failed to deliver sufficient housing in the district.

- 40 The Council does not currently have an up-to-date local plan in terms of policies of relevant to housing provision. The district does not have a 5-year housing land supply identified within an adopted local plan and has fallen short of meeting assessed need over a prolonged period. Significant weight must therefore be given to the net gain of the two dwellings, particularly within the Sevenoaks Urban Area, which should be considered under the provisions of paragraph 11(d) of the NPPF and the 'tilted balance'. This sets in place a strong presumption in favour of granting planning permission, as set out above.
- 41 I note that the site lies within a Conservation Area such that the tilted balance would be disengaged if it was found that the policies for the protection of the Conservation Area would give a clear reason for refusal. This would also be the case if it was found that the development would contrary to policies on flood risk. For the reasons outlined below, however, I have not found such conflicts and therefore, under the terms of paragraph 11(d)(ii), planning permission for new housing should be granted in this location unless the adverse impact of doing so would "significantly and demonstrably outweigh the benefits." [my emphasis]
- 42 The site is located within a mixed commercial and residential area and is considered a sustainable area for development with good walking and public transport links, including nearby bus stops (outside neighbouring property). Local amenities are also located within easy walking and cycling distance of the site.
- 43 The proposal would provide three units, all of which would be less than three bedrooms so would be contributing positively to the housing mix in accordance with policy SP5 of the Core Strategy.
- 44 Core Strategy Policy SP7 recommends a housing density of around 40 dwellings per hectare, higher in areas closer to town centres. This site achieves a density of approximately 45.5 dwellings per hectare (commercial units excluded from calculation), marginally above the policy requirement (as noted, this policy is out of date), and consistent with the NPPF's encouragement of the efficient use of brownfield sites in sustainable locations.
- 45 ADMP Policy TLC4 supports the maintenance of a range of shops and services within local centres, and residential uses of the upper floors will be encouraged where there will be no adverse impact on the functioning of the ground floor or community use. The proposal would see the retention of the existing mini-cab office and cafe space at ground floor but would increase the residential space at first floor. This is not considered to harm the functioning of the commercial unit at ground floor. The proposal also seeks to provide two external toilets and would see the outdoor seating area covered by the first-floor extension which effectively forms a bridge over this area. This means that the café area will now be able to use the outdoor seating area for more of the year. As such the proposal is considered compliant with Policy TLC4 of the ADMP.
- 46 The proposed scheme is therefore acceptable in principle, subject to the other planning considerations below.

Design and Impact on Character of the Area, including Conservation Area

- 47 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. The NPPF recognises the importance of good design in delivering sustainable development.

- 48 Policy EN4 of the ADMP requires proposals to conserve or enhance the character and significance of heritage assets.
- 49 The proposed works are concentrated to the rear of the property, with no visible changes to the front elevation. At its highest point, the extension would sit below the pitch of the frontage building. As such, the proposal, would not cause harm to the street scene.
- 50 The existing flat would be split to create two flats, with a first-floor extension built on supports to account for the different land levels, to the rear to create the third flat. The proposed extension, whilst more than 15.5m in length, is single storey and remains subservient to the main building, with an appropriate roof shape and form to match the existing.
- 51 The garden levels will be adjusted, reduced slightly in the rear garden to allow the extension to be built and to provide garden space. It would remain at first floor height.
- 52 The Conservation Officer has confirmed that the proposal, being concentrated to the rear of the site, will not harm the character or significance of the Conservation Area, as the prominent front façade, which contributes positively to the character of the Conservation Area, remains unchanged.
- 53 Limited details have been provided of the materials. Given the site's location within the Conservation Area, it is important to ensure that the materials are of a good quality and design that will conserve the character and appearance of the area. As such a proposed condition is attached.
- 54 Overall, the design of the proposal is considered acceptable, subject to the materials condition.
- 55 Landscaping, including boundary treatments, are also an important feature to maintain the character and appearance of the area and wider area. As such, a proposed condition is attached requiring that an appropriate hard and soft landscaping scheme is submitted for approval.
- 56 The introduction of external WCs is not considered to cause harm to the visual amenity of the area.
- 57 The proposal is therefore considered to conserve the character and appearance of the area and wider Conservation Area and is therefore considered compliant with SP1 of the Core Strategy, EN1 and EN4 of the ADMP and the NPPF.

Residential Amenity

- 58 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, and to safeguard the amenities of occupiers of neighbouring residential properties.
- 59 The proposed extension is located more than 7m away from the neighbour to the south. Given the low-lying nature of the first-floor extension to the garden, the proposal would not have a material impact in terms of light or overshadowing. The proposal passes the 45-degree daylight assessment. From my site visit, it is also evident that 'The Red House' is at a higher ground level than the application site, thereby reducing its impact. The positioning of the windows is not expected to cause

any significant loss of privacy, especially given the windows and rooflight on the south elevation are high level.

- 60 The extension is located approximately 13.5m to the single-storey neighbouring property to the east (rear boundary). The proposed extension would sit at a lower level than the neighbouring property. The proposal would not impinge light to this dwelling, nor would it create overshadowing impacts. No direct views towards the neighbouring conservatory will be offered due to the boundary treatments, and only oblique views towards neighbouring windows will be offered. Given the fenestration of both the neighbouring property and the extension, the windows are approx. 15m apart and therefore no significant concerns about privacy would arise.
- 61 In terms of the property to north, it is acknowledged that the extension and windows for Flat 3 will look towards the outdoor space of this property, located approximately 13.5m away. This is not considered to cause significant harm in terms of privacy or overlooking, especially as boundary treatments are proposed to be conditioned as part of this application. Given the distance from the boundary, there will be no harm in terms of light or overshadowing.
- 62 In terms of amenity for the proposed residential units, they would meet National Minimum Space Standards, and all habitable rooms have a source of light. The windows on the proposal have been located to limit overlooking between the properties. It is noted that there would be some limited views towards `Bedroom 2 of Flat 3 from Flat 2's access; given this is an access and would serve a kitchen it is not expected provide any prolonged periods of overlooking to cause unacceptable harm that might warrant refusal.
- 63 The bathroom window for Flat 2 would be obscured glazed to ensure the privacy of bedroom 1 of Flat 3, which can be secured by condition. The living/dining room window in the same elevation of Flat 2 would be small in size and in a corner of the room, so would have limited oblique views towards Flat 3, which again is considered acceptable.
- 64 All three flats would have some area of outdoor amenity space and their own access to the property, which is considered a positive feature of the scheme. This offers a good level of amenity for the future occupiers of these flats.
- 65 Environmental Health has recommended conditions regarding the air quality and noise management, and these are incorporated in the recommended list of conditions above.
- 66 In summary, it is considered that the proposed flats would create an appropriate level of amenity for future occupants and would not cause undue harm to the amenity of neighbours. It would meet the requirements of ADMP Policy EN2.

Parking and Highways

- 67 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards. This is contained in Appendix 2 of the ADMP.
- 68 Paragraph 115 of the NPPF states ... "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".

- 69 It is noted that no parking provision would be created on site, reflecting the existing situation whereby neither the commercial nor the existing 3-bed residential flat has parking provision.
- 70 The applicant has submitted a Transport Statement as part of the proposal, which highlights the ease of access from the site on foot to a number of shops and facilities, with good pedestrian infrastructure in the vicinity of the site. As set out in the Statement, there are also number of regular buses from the nearby bus stops, further offering access to local amenities and schools, and a 6-minute journey to Sevenoaks Mainline Station / 10 minutes to the Town Centre. The proposal is therefore deemed to be within a sustainable location.
- 71 The Transport Statement finds that it is therefore likely that future residents have the opportunity to undertake the majority of journeys, especially short trips, by sustainable means of transport and not rely on cars. The Transport Statement draws on national 'trip rate' data to establish the daily trips predicted as a result of the development. It concludes that the proposal is likely to have a small increase in trip generation, the majority of which are expected to be by non-car modes. It is therefore unlikely to have any adverse impact on the local road network.
- 72 The Transport Statement further identifies other measures that are proposed to encourage sustainable travel, in addition to the sustainable transport opportunities offered, including the provision of ultrafast broadband, cycle parking, access to cycle repair equipment, and a Travel Information Pack. These are commensurate to the scale and car-free nature of the proposed development and its sustainable location; thereby bringing the development in line with the NPPF's sustainable transport policies.
- 73 The location of the site would be defined as an edge of centre location. As such, in accordance with the parking standards referred to in policy T2, the flats would require a maximum of 1 space per unit. The absence of proposed parking is therefore policy compliant, also reflecting the current situation. KCC Highways has also confirmed support for nil provision of parking in light of their standards, stating that is appropriate given the sustainable location.
- 74 I note that residents have raised concerns that the lack of parking will exacerbate competition for parking experienced locally, especially given the lack of free and available parking on London Road which has single yellow lines or time-restricted parking bays. It is accepted that the proposed additional units have the potential to bring a small number of additional cars into the area, proportionate to the size of units proposed, which could increase demand for parking spaces. However, and as set out in the Transport Statement, a number of factors are likely to discourage car ownership and movements from the property. This includes: the ease of access to local amenities by sustainable, non-car transport options (foot, bicycle, bus and train); the parking restrictions/demand already in place in the vicinity; and the fact that any prospective occupier would be aware that no car parking is provided.
- 75 Given these factors, and the fact that the proposal accords with adopted policy and parking standards, the absence of parking provision is considered appropriate in this instance and would not justify refusal.
- 76 The provision of secure cycle storage is also proposed, which will further support non-car travel. As requested by KCC, this would be secured by condition. I note that residents have raised concerns about the nearby roundabout and lack of cycle lanes and therefore suggested that cycling is not safe in this location. Whilst there is

currently a lack of cycle lanes, this does not prohibit cycling as an option for many residents or prevent residents from cycling if they wish to. Further, the provision and enhancement of cycle infrastructure within Sevenoaks urban area is a wider issue being taken forward by the district, such that improved cycling conditions might be expected in future. Neither the Transport Statement, nor KCC Highways have raised concern about cycling in this location.

- 77 As stated above, the NPPF requires proposals to be approved unless there is unacceptable impact on highway safety, or the residual cumulative impact on the road network is severe. The net increase of two dwellings is unlikely to generate a significant number of cars (or need for parking), especially given the sustainable options available above and current parking restrictions in the area. As such the proposal is unlikely to have a severe residual impact on the road network and does not meet the criteria to warrant refusal.
- 78 As such, the proposal is considered compliant with policies EN1, EN2 and T3 of the ADMP.

Flood Risk and Drainage

- 79 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 80 Paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 81 Policy EN1 states that where possible, proposals should retain and enhancing Green Infrastructure features including sustainable drainage systems.
- 82 The site lies in Flood Zone 1, where there is a low probability of fluvial flooding and to which development is directed. London Road adjoining the site is identified as having a 'medium' surface water flood risk (1 in 100-year chance). A small proportion of the application site – namely the existing pathway/outdoor seating area to the rear of site frontage – is situated within an area of low surface water flood risk (1 in 1000-year chance of flooding).
- 83 Other than some supports for the structures above, the proposal would not introduce new built form into this low-risk area (toilets are being built in existing built areas). The new residential units are being introduced at first floor level, effectively forming a bridge over the area of low surface water flood risk. As such the proposal would not introduce new built form into the area of flood risk and is not considered likely to cause concerns within the site in terms of flood risk and the exposure of residents to this.
- 84 To ensure there is no exacerbation of flood risk off site, it is considered appropriate to attach a condition requiring details of the drainage system to be delivered as part of the development. A condition is also proposed requiring details of hard landscaping to ensure that the surfacing treatments are permeable.

Impact on Trees

- 85 Policy EN1 states that proposals should not result in the loss of open spaces and green infrastructure that would have an unacceptable impact on the character of the area. Proposals should sensitively incorporate natural features such as trees and hedges within the site.
- 86 The SDC Tree Officer has noted that, whilst there is no significant vegetation within the site itself, there are trees on the neighbouring boundary. Given the trees are located within a Conservation Area, they are protected. He has noted that the difference in ground levels may well mean that there would be a lack of significant roots within the application boundary but has requested a condition ensuring tree protection methods during construction. A foundations condition can also be added to ensure that the roots are protected during the works.
- 87 The Tree Officer has raised concerns about the impact of the trees on the rooflights and future pressure for works to the trees. As the trees are located outside of the site boundary, they would require the neighbour's permission for works to be undertaken to the tree, and being situated in a Conservation Area, they would need to apply to local planning authority before undertaking any works. Furthermore, the windows on the south elevation of the extension are most likely to be impacted by the trees. These are only serving rooflights and high-level windows, which are not the principal or sole source of light to the habitable rooms.
- 88 As such, the impact on trees is considered acceptable, subject to conditions.

Biodiversity

- 89 SP11 of the Core Strategy states the biodiversity of the district will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 90 The scheme was submitted prior to 2nd April 2024 and therefore the proposal is exempt from statutory Biodiversity Net Gain requirements. However, in accordance with policy SP11 of the Core Strategy, proposals should seek to enhance biodiversity where possible. This can be secured through condition.

Other issues

- 91 Public Comments: The issues raised by public comments have mostly been addressed above. The provision of a permit scheme would need to be applied for through the relevant parking teams within SDC.
- 92 Following the comment received about the site notice, a site notice was displayed on the property in line with procedures.
- 93 Foul Drainage: The site lies within an urban area. The proposal is seeking to connect the site to the existing mains drainage, as presently, and this is considered acceptable. No details are therefore required by condition.

Community Infrastructure Levy (CIL)

- 94 The application is CIL liable.

Conclusion

- 95 Overall, the development would deliver a net gain of two additional homes, which would positively contribute to the supply of housing in the district in the context of an ongoing shortfall. The proposal is policy compliant, subject to condition.
- 96 In accordance with Paragraph 11(d) of the NPPF, the development would not conflict with policies for the protection of areas or assets of particular importance (e.g. the Conservation Area, areas of flood risk). I have not found any adverse impacts arising from the development that would “significantly and demonstrably” outweigh the benefits of the delivery on new homes in this sustainable location. As set out in Paragraph 11, in these circumstances, the development should be approved.
- 97 It is therefore recommended that this application is GRANTED.

Background papers

- 98 Site and block plan

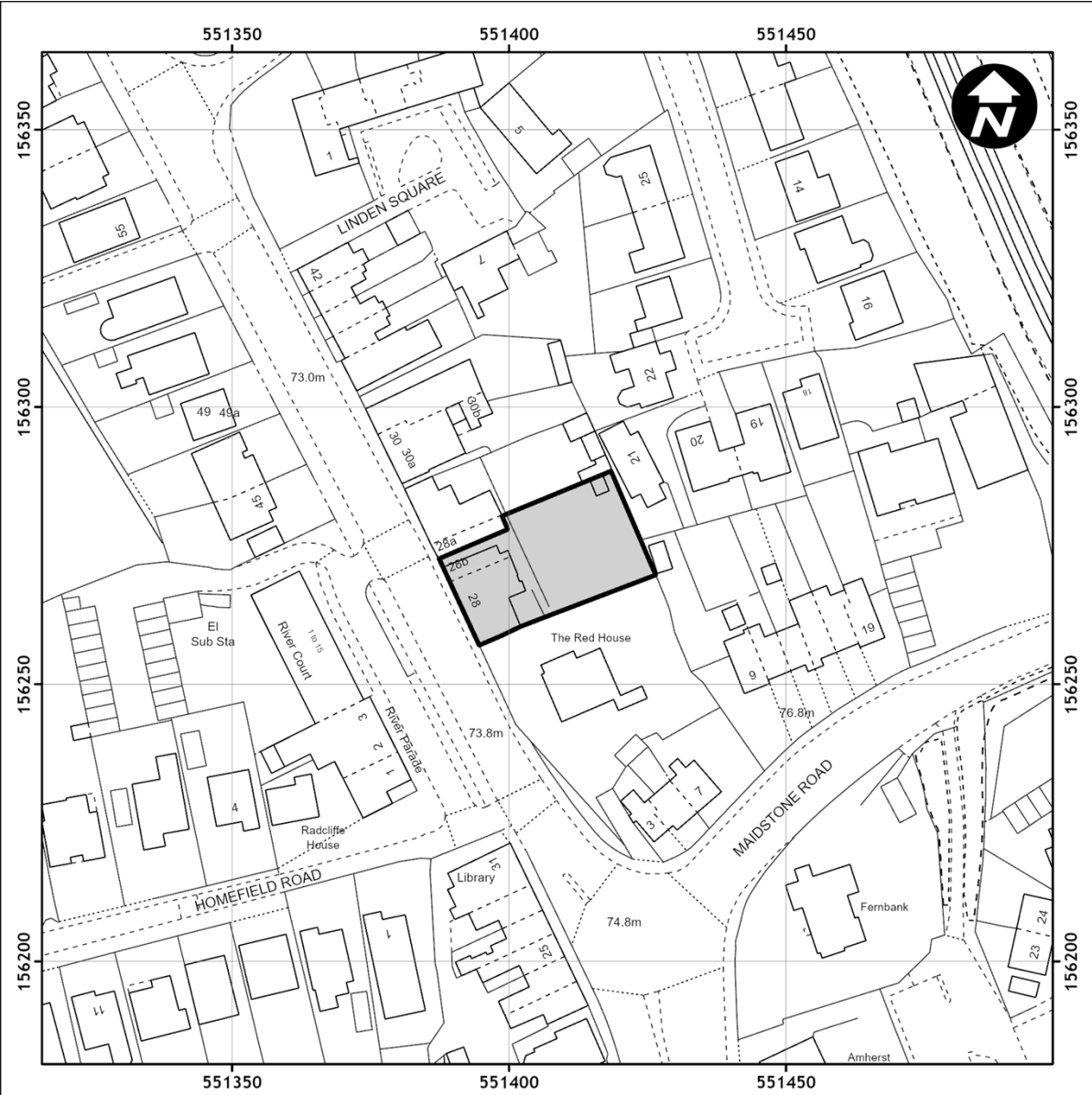
Contact Officer(s):

Abbey Aslett -: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
 Date 06/07/2024



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 Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN



1 **PLAN**
Proposed Site Plan SCALE 1:200