

5.2 - SE/10/02625/OUT Date expired 11 January 2011

PROPOSAL: Outline application for Demolition of two detached dwellings and garaging facilities; erection of 4 detached dwellings, garages and associated works. (Note - two dwellings on Dawning House land previously approved under appeal ref. APP/G2245/A/08/2084881/NWF dated 21.05.09). With some matters reserved. As amended by plans and information received 02.02.11.

LOCATION: Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH

WARD(S): Sevenoaks Eastern

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the discretion of the Community and Planning Services Director.

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

1) Details relating to the scale and appearance of the proposed buildings, and the landscaping of the site, (hereinafter called the "reserved matters"), shall be submitted to and approved in writing by the District Planning Authority before any development is commenced and the development shall be carried out as approved.

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

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

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

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

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

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

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

4) The scale parameters of the buildings hereby permitted shall be a width of 12.93m and a depth of 13.10m for the two houses proposed for the Dawning House site, a maximum width of 11.24m and a maximum depth of 10.79m for the two dwellings proposed for the Summerhill site, and a ridge height of 7.84m for the four units as outlined within the accompanying Design & Access Statement and email submitted on the 2nd February 2011, except that details of slab level, floor levels and roof profile of the proposed dwellings are to be submitted to and approved in writing by the Council at the same time as submission of the first of the reserved matters and the development

shall be carried out in accordance with these details.

To safeguard the appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No development shall commence until a scheme for tree protection has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved scheme.

To prevent damage to the trees during the construction period and secure their retention afterwards as supported by Policy EN12B of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by the National Planning Policy Framework.

7) No development shall commence until details of visibility splays and the width, alignment and radii of the site entrance and access to Seal Hollow Road have been submitted to and approved in writing by the Council. The visibility splays, width alignment and radii of the site entrance and access to Seal Hollow Road shall be provided as approved before any development hereby permitted is commenced and thereafter maintained, with the approved visibility splays maintained free from obstruction at all times at a height not exceeding 0.9m above the level of the adjacent carriageway.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

8) No development shall commence until a construction method statement to include the location of the site office, parking and turning areas, and a compound for storage, together with details of deliveries, control of large vehicle movements and the protection of property and highways and the provision of wheelwashing during the course of construction has been submitted to and approved in writing by the Council. The development shall be carried out using the approved statement.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

9) No development shall be carried out until details of the location and extent of proposed hardstanding for parking and turning areas on each plot has been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure a permanent retention of vehicle parking and vehicle turning areas for the dwellings as supported by policy EN1 of the Sevenoaks District Local Plan.

10) No development shall be carried out until details of any proposed pruning or tidying within the protected wooded area to the front of the site has been submitted to and approved in writing by the Council.

To secure the retention of the trees and to safeguard their long-term health as supported

by Policy EN1 of the Sevenoaks District Local Plan.

11) No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

12) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwellings hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

13) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

14) No development shall take place on the land until the access road has been provided in accordance with the approved plan, drawing number 0946-PL123 Rev. C.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

15) The development hereby permitted shall be carried out as an alternative to the permission granted at appeal under reference SE/08/01393/OUT but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.

To protect the amenities of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

16) The development hereby permitted shall be carried out in accordance with the following approved plans: DAWNSUM/01 Rev A, 0946-PL120, 121, 122, 123 Rev C and 124 Rev A.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC1, CC4, CC6, H4, H5, T4 and LF

Sevenoaks District Local Plan - Policies EN1 and VP1

Sevenoaks District Core Strategy 2011 - Policies LO2, SP1, SP2, SP3, SP5 and SP7

The following is a summary of the main reasons for the decision:

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

Informatives

- 1) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.
- 2) The applicant should be aware that it may be necessary for the entrances of the new dwellings to have a ramp installed up to them to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramps.
- 3) With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200.
- 4) 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 Ground Water. 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 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 5) The applicant is reminded of the need to obtain the appropriate consent(s) prior to commencing work that may affect land that is not in their ownership.

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days of the decision of the Development Control Committee, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of

- 1 This application was considered by the Development Control Committee on 17th February 2011 when it resolved to grant planning permission subject to the receipt of a completed legal agreement. Negotiations in relation to the legal agreement have been on-going since the resolution of the grant and the legal agreement is now in an agreed format and the Affordable Housing contribution is sufficiently secured.
- 2 This report updates the previous report to the Development Control Committee in the light of developments since the resolution to grant planning permission and particularly as the proposal involves development in residential gardens. These developments include the Council's consent to judgement on the Serpentine Road planning application where the Council agreed that planning permission should be quashed as the Committee Report did not address the question posed by the new definition of previously developed land in the revised PPS3 and did not give consideration to whether the site comprised residential garden. The report also responds to the publication of the National Planning Policy Framework and representations received including legal representations from a neighbour who has instructed Thomas Eggar LLP and who raises concerns on the previous report's consideration of PPS3, the level of affordable housing contribution, ownership issues relating to the proposed driveway and the time period for consent. All of these comments are addressed in this report below.

Description of Proposal

- 3 The application seeks the demolition of the existing two houses and replacement with four detached units. The application is an outline submission with access and layout to be considered at this stage, whilst appearance, landscaping and scale are reserved matters. However, indicative plans have been submitted as well as a Design & Access Statement to confirm the size of the houses proposed, to indicate the appearance of the proposed dwellings and to give an idea of potential landscaping for the site.
- 4 The scaled parameters included within the design and access statement indicate a width of 12.93m and a depth of 13.10m for the two houses proposed for the Dawning House site and a maximum width of 11.24m and a maximum depth of 10.79m for the two dwellings proposed for Summerhill. The statement also indicates that the height of the four units would not exceed the height of the existing house on Summerhill which stands at a height of 7.84m.
- 5 The application proposes to use the existing access to the two houses, which also serves Salterns and Sealcot to the south of the application site. Alterations are proposed to the access on to Seal Hollow Road and along the driveway past Dawning House. These alterations include the proposed widening of the access on to Seal Hollow Road to almost 6m, which would allow the passing of vehicles entering and exiting the site, and the widening of the driveway to 3.7m to allow access for emergency and other service vehicles.
- 6 In terms of the proposed layout, the site as a whole would be divided into four plots, with the current boundary between Summerhill and Dawning House being shifted down towards the rear of Dawning House and a boundary line drawn roughly down the centre of the whole site. Both pairs of properties would possess

a shared driveway along the front of both houses and all four units would be orientated to face towards Seal Hollow Road. Each house would be sited roughly centrally in each plot with generous spacing proposed between each dwelling and its respective front and rear boundaries. Generous gaps to flank boundaries are also proposed, with properties being a minimum of about 4m from outer boundaries and gaps of roughly 5.5m proposed between the dwellings.

- 7 The application follows a recent outline application that was approved at appeal, SE/08/01393/OUT. The application related solely to Dawning House to the front and the Inspector allowed permission for two units to be built on the site in May 2009. This application differs from the approved scheme in that the site has now incorporated Summerhill to the rear, the proposed dwellings on Dawning House have been reduced in size and have been pushed forward in their plots by about 4m.
- 8 Members will be aware that this application was determined by the Development Control Committee on 17th February 2011 when it resolved to grant planning permission subject to the receipt of a completed legal agreement. This legal agreement has taken some time to organise but the applicant is now in a position to complete a legal agreement, the content of which is also considered to be acceptable by officers.
- 9 Given that a time period of a year has passed since the application was previously considered by the Committee and the fact that the National Planning Policy Framework has now been published it is considered to be appropriate that the application be returned to the Development Control Committee so that the Members of the Committee can again consider the proposal in detail. There also exists the possible threat of a Judicial Review from interested parties on several grounds including the matter of previously developed land, the level of affordable housing contribution, the time period for any grant of outline consent and ownership of the access driveway.

Description of Site

- 10 The site currently contains two detached dwellings, situated one behind the other, and both sit back a significant distance from Seal Hollow Road. The site is located just to the north-west of the junction with Blackhall Lane and is one of a row of sites which faces those opposite that define the edge of the Wildernesse Estate.
- 11 Both dwellings are set within spacious plots that generally reflect the pattern of development of the handful of properties heading north from the site. The combined size of the plots is significantly greater than surrounding plots. The width and resulting size of these plots vary from between 30m to 18m in width. The majority of properties to the north of Summerhill and Dawning House are accessed from Wildernesse Mount and front onto this street scene context, not Seal Hollow Road. There is a mature and established tree and vegetation screen to Seal Hollow Road and the land generally rises up beyond this to meet Wildernesse Mount. Opposite these houses are much larger properties defining the western edge of the Wildernesse Estate. The level of landscaping is lessened and the majority of properties are clearly visible within the street scene context and generally follow an established building line set back from Seal Hollow Road.
- 12 There is a shared driveway access which runs to the south of Dawning House and Summerhill, which also serves Salterns and Sealcot. Hillborough Avenue further to

the south serves a range of properties to the west of the application site which visually step up the rising topography. The network of roadways of Hillborough Avenue, Wildernesse Mount and Seal Hollow Road provide a varying character of plot shapes, sizes and orientation surrounding Dawning House, many properties appear to sit in a tandem relationship to each other. There is variety in the size of property from single storey and split level properties at Sealcot and Thornwood, to more imposing three storey traditional properties of Hill House and Salterns.

- 13 The immediate neighbour to the north of both plots is Cleve. This is a generously proportioned detached two storey dwelling which generally sits on the same building line as Dawning House. This property appears to have a ridge height of roughly 8.5m and is sited approximately 11m from the shared boundary. To the south of Dawning House is Sealcot, a modest single storey property which is divided from the application site by the shared access track and approximately 5m separation to the boundary of the application site. To the south of Summerhill is Salterns, a large three storey semi-detached dwelling, which is again partly divided from the application site by the shared access drive and partly shares a boundary with the application site. Summerhill and Dawning House both have a height of approximately 7-8m.

Constraints

- 14 The site lies within the built confines of Sevenoaks and the wooded area to the front of Dawning House is covered by a Tree Preservation Order (TPO/10/28/SDC).

Policies

South East Plan 2009

- 15 Policies– CC1, CC4, CC6, H4, H5, T4 and LF1

Sevenoaks District Core Strategy 2011

- 16 Policies – LO2, SP1, SP2, SP3, SP5 and SP7

Sevenoaks District Local Plan 2000

- 17 Policies – EN1 and VP1

Other

- 18 The National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies and replaces previous Planning Policy Statements and Guidance including the definition of previously developed land. It is a material consideration in decisions on planning applications from the date of its publication (27th March 2012). The NPPF states that for 12 months from the date of publication decision takers can may continue to give full weight to relevant policies adopted since 2004 (this includes Core Strategy and South East Plan policies) and that in other cases due weight should be given to relevant policies in existing plans according to their consistency with the NPPF (this includes the Local Plan policies). It is acknowledged that it is the Government's intention to revoke the Regional Spatial Strategy but this document currently forms part of the development plan.

The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

19 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD) 2012

20 Affordable Housing Supplementary Planning Document (SPD) 2011

Planning History

21 SE/08/01393 - Outline planning application for the demolition of existing dwelling and erection of two detached dwellings with garaging and associated facilities. Appeal for non-determination allowed 21.05.09

22 SE/11/02916 - Application to extend the time limit of an extant planning permission approved under reference 08/01393/OUT - Demolition of existing dwelling and erection of two detached dwellings with garaging and associated facilities. Pending consideration

23 SE/12/01306 - Reserved matters Appearance, Landscaping & Scale pursuant to condition 1 of SE/08/01393/OUT approved at appeal ref. APP/G2245/A/08/2084881/NWF - Demolition of existing dwelling and erection of two detached dwellings with garaging and associated facilities. Pending consideration

Consultations

24 Members will note that two sets of responses have been received. This is due to the fact that the original consultation process was held when the application was initially received. This process commenced on the 8th October 2010 and expired on the 29th October 2010. Following the decision to return the application to the Development Control Committee a further period of consultation has taken place starting on the 3rd April 2012 and which expired on the 24th April 2012.

Original Consultation Responses (summary of the main points)

Parish / Town Council – 21.10.10

25 ‘Sevenoaks Town Council recommended refusal on the following grounds:

- The Town Council regards the 4 dwellings proposed on this site as overdevelopment.

- The proposed density is inappropriate for the terrain and topography of the area and is detrimental to the character of the area
- The narrow access drive is not suitable for an increase in traffic that would result from the proposed development of the Summerhill site. In the Design & Access statement it suggests that the narrow access drive could be widened. In the appeal decision for Dawning House the Inspector said if widening had been necessary for Highway safety reasons he would have dismissed the appeal due to the effect on the character and appearance of the area
- There would be a detrimental effect on the residential amenities of neighbouring property
- Cleves, due to the overbearing effect of the proposed houses on such a steep hillside
- The revised PPS3 no longer treat private residential gardens and Brownfield land thus removing the pressure to develop such sites and has removed the minimum housing density target.'

Further comments – 02.12.10

26 'Sevenoaks Town Council noted the amendment but it reiterated its reasons for refusal on the following grounds:

- The Town Council regards the 4 dwellings proposed on this site as overdevelopment.
- The proposed density is inappropriate for the to rein in topography of the area and is detrimental to the character of the area
- A narrow access drive is not suitable for an increase in traffic that would result from the proposed development of the Summerhill site. In the design and access statement it suggests that the narrow access drive could be widened. In the appeal decision for the Dawning House the inspector said if widening had been necessary for Highway safety reasons he would have dismissed the appeal due to the effect on the character and appearance of the area
- It would be a detrimental effect on the residential amenities of neighbouring property Cleves, due to the overbearing effect of the proposed houses on such a steep hillside
- The revised PPS3 no longer treats private residential gardens as Brownfield land thus removing the pressure to develop such sites and has removed the minimum housing density target.'

Kent Highways Engineer – 17.11.10

27 'This is an outline application with access and layout to be determined. There is an extant permission granted at appeal for demolition of Dawning House and replacement with two units and therefore this application will result in a net increase of one additional unit to be served from the improved private driveway.

28 In considering the earlier appeal the Inspector stated 'I cannot conclude that the addition of the single dwelling would so change the use of the access as to result in significantly increased risk of crashes or traffic delays as set out in Structure Plan policy TP12 or would fail to ensure a satisfactory means of access for vehicles and pedestrians as required in Local Plan Policy EN1'

- 29 In drawing to this conclusion the Inspector had noted with regards to the junction with the highway 'It appears to me that there is scope for improving the existing situation' and in my view the proposed improvements to the existing driveway at the junction with Seal Hollow Road are, subject to conditions listed below, in keeping with the expectations of the Inspector. In addition modest improvement to the width of the remainder of the driveway is also to be provided. This will improve access for emergency and other service vehicles and the proposals also include improved turning facilities for these larger vehicles, therefore in highway safety terms these measure represent an improvement on the existing situation.
- 30 However I would recommend revision to the proposed parking arrangements at some plots to provide 2 spaces per unit in addition to any garage spaces and I also consider that there may be scope to redesign some of the turning areas so as to reduce the extent of hard standing, should you consider that appropriate. It will also be necessary for the plans to show the full extent of proposed visibility splay to the north but these matters may be dealt with by condition.
- 31 In addition I would recommend conditions to secure the improvements to the access and also a construction method statement to include deliveries, parking and turning and wheel washing during the course of construction and informative INH105 regarding works to the highway.'

Further comments – 15.12.10

- 32 'The revised turning area at plot 2 does not relate well to the parking spaces but my main comments suggested a condition so that parking and turning at a number of plots be re-examined.'

Tree Officer – 11.11.10

- 33 'The proposal to develop Summerhill will necessitate the loss of an amount of smaller trees and shrubs. The main areas of neighbouring mature trees and hedgerows should not need to be disturbed during the proposed construction process and can and should be retained as part of future landscaping for any consented to scheme.
- 34 I also note that although approved details of Dawning House are shown there appears to be subtle alterations. I refer to the proposed driveway shown to serve the two new dwellings. This is shown to be extended to include a turning area and additional drive. I have concerns that further hard landscaping will be to the detriment of the wooded area located along the frontage onto Seal Hollow Drive. I suggest that any extension of this hard landscaped area above and beyond what has already been given consent for should be resisted.'

Further comments –

- 35 'Since my previous comments I have been on site and met with the owner to discuss tree issues that the proposed development may have upon mainly frontage trees. Also since my previous comments, TPO 28/2010 has been served to ensure protection of the wooded linear area that runs parallel with Seal Hollow Road.
- 36 My on site meeting has revealed that the additional hard landscaped area shown for the turning area to Plot 2 will be acceptable as it is a relatively small area and its construction should not affect nearby trees.

- 37 I note and accept the landscaping as shown on the drawing supplied by Alchemy Landscapes as well as the detail supplied by Simon Jones Associates Ltd. With regards to on site tree protection, I could not locate any tree protection details for the aforementioned linear woodland strip along the Seal Hollow Road frontage. I would expect to see this area fenced off during any demolition and subsequent re-build. I would also like to see any proposals for pruning or tidying within it. It may also be appropriate to see additional tree planting taking place here. This would depend on what if any shrub or tree pruning may or may not be proposed.

Thames Water – 22.11.10

- 38 ‘No objection subject to imposition of informatives.’

Original Representations

- 39 Three letters of representation has been received in support of the application while eighteen letters of representation have been received that have highlighted the following concerns:

- Overdevelopment of the site;
- Loss of mature trees and planting;
- Impact on wildlife;
- Access driveway and hazardous highways safety;
- Garden grabbing;
- Character of the area;
- Inspectors decision relating to the widening of the access;
- Land ownership;
- Density;
- Overlooking and loss of privacy;
- Visual amenity;
- Noise, smells and disturbances from use;
- Layout;
- Parking provision;
- Access during construction;
- Drainage;
- Design; and
- Impact on the value of property and covenant issues.

Further Consultation Responses (summary of the main points)

Parish / Town Council – 19.04.12

- 40 ‘Sevenoaks Town Council recommended refusal on the following grounds:
- The Town Council regards the 4 dwellings proposed on this site as overdevelopment. The proposed density is inappropriate for the terrain and topography of the area and is detrimental to the character of the area.
 - The narrow access drive is not suitable for an increase in traffic that would result from the proposed development of the Summerhill site.
 - In the design and access statement it suggests that the narrow access drive could be widened, however in the appeal decision for Dawning House the inspector said if widening had been necessary for highway safety reasons he

would have dismissed the appeal due to the effect on the character and appearance of the area.

- There would be a detrimental effect on the residential amenities of the neighbouring property, Cleve, due to the overbearing effect of the proposed houses on the Summerhill site at the top of a steep gradient.
- The revised PPS3 no longer treats private residential gardens as brownfield land thus removing the pressure to develop such sites, and has removed the minimum housing density target. The newly published National Planning Policy Framework gives strength to this in that it asks Local Planning Authorities to "resist inappropriate development of residential gardens".'

Kent Highways Engineer – 25.04.12

41 'Thank you for inviting me to comment on this application. It is noted from a site visit that the site slopes towards Seal Hollow Road. Provision will need to be made therefore within the site for the disposal of surface water so as to prevent its discharge onto the highway. It is considered that there would be considerable benefits in reversing the orientation of the properties at the front on the Dawning House site and creating a communal access arrangement for the following reasons. This would:-

- rationalise vehicle movements both for occupants, refuse collection and deliveries.
- reduce the amount of 'hard landscaping', road or driveway construction.
- shorten the length of continuous or 'parallel' driveway and thereby reduce the need for a wider driveway or intermediate passing bay.
- reduce concerns about the numbers of accesses merging near the junction with Seal Hollow road and thereby the potential for conflicts at this point.
- eliminate the hairpin left turn currently required for vehicles travelling north from the Dawning House site.

42 I appreciate that this is an outline planning application but it would be a necessary requirement for goods and refuse vehicles to enter and exit onto Seal Hollow Road in a forward gear. If the layout shown on Drawing No. 0946-PL123 is to be pursued therefore it will be necessary for a swept path analysis of all movements onto and off the Dawning House plots to be demonstrated.'

Further comments – 27.04.12

43 'I do not think that fundamentally I would wish to object to the scale of developments proposed. However the worst case scenario, as expressed by others, would be vehicles reversing out onto Seal Hollow Road and this must be avoided at all costs. Any planning approvals must be heavily caveated/conditioned that turning within sites needs to be demonstrated to the satisfaction of the Planning/Highway Authority. Details of (forward) visibility splays emerging from the site must also be demonstrated to our satisfaction.'

Further Representations Received

44 Two letters of representation have been received in support of the application while sixteen letters of representation have been received on behalf of 14 neighbours and interested parties that have highlighted the following concerns:

- Overdevelopment of the site;
- Loss of trees and planting;
- Impact on wildlife;
- Increase in traffic and traffic noise;
- Layout;
- Density;
- Overbearing;
- Out of keeping with the area;
- Parking provision;
- Access during construction;
- Highways safety;
- Visual amenity;
- Overlooking and loss of privacy;
- Design;
- Proposal to widen the driveway;
- Inspectors decision relating to the widening of the access;
- Garden grabbing;
- Affordable housing contribution;
- Land ownership and legal matters;
- The National Planning Policy Framework;
- Loss of light; and
- The setting of a precedent.

45 The sixteen letters of objection include two letters received from Thomas Eggar LLP instructed by a neighbour to the site and threatening judicial review as they consider that the Council have previously failed to address matters of previously developed land, the affordable housing contribution, the ownership of the access driveway and the time period for the approval of outline consent. These matters along with the matters raised within the other representations above will be covered as part of the assessment below.

Group Manager - Planning Appraisal

Principal Issues

46 The main issues in this case are the principle of the development, under which heading I consider the question of previously developed land, the potential impact on the character and appearance of the area, the potential impact on neighbouring amenity, the potential impact on highways safety, the potential impact on trees and sustainable development. Other issues include the Code for Sustainable Homes, the provision for affordable housing, drainage, impact on wildlife, impact on the value of property, legal matters and land ownership, and the time period for consent.

Principle of development

47 The site as a whole falls within the Sevenoaks Urban Area as defined by policy LO2 of the Core Strategy. This policy seeks to encourage residential development on a range of sites suitable for residential use within the urban area. In my view, the site is suitable for further residential development, given that it currently has a residential use, the plot is generous in size and is located close to the town centre. The proposal therefore complies with policy LO2 and the principle of the

development of the site is one that the Council could potentially accept provided the scheme complies with all other relevant development plan policies.

- 48 In addition, the principle of the proposed development for the Dawning House plot is one that was accepted as part of the previous approval, SE/08/01393/OUT, which remains extant since the Council is currently considering an application for reserved matters relating to this previous consent.
- 49 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 50 The NPPF also states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 111).
- 51 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'.
- 52 The site comprises two detached dwellings and their respective private residential gardens. The fact that the site possesses two dwellings is not inconsistent with the exclusion from the definition of previously developed land in the NPPF. However, a significant amount of the proposed development would occur outside the footprint of the two houses, and the respective existing areas of hard standing, and would therefore be carried out mainly on the private residential gardens of the two properties.
- 53 In light of the revised definition of previously developed land, and given that the development of the site relies on the use of residential gardens, the site as a whole cannot be considered to be previously developed land.
- 54 However, this conclusion does not affect my overall conclusion on the acceptability of the development of the site for residential purposes as a matter of principle because the proposal comprises residential development on a suitable site within the urban area, in accordance with policy L02, subject to the other considerations set out in the remainder of the report.

Impact on character and appearance of the area

- 55 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56)
- 56 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. It is therefore considered that this policy is broadly consistent with the NPPF.

- 57 The Sevenoaks Residential Character Area Assessment SPD divides the site into two separate character areas since it is considered that the two properties share characteristics with different properties in the locality. The document identifies several locally distinctive positive features for the character area that Dawning House falls within including generally well screened plots from the road by being well set back behind hedged and treed front gardens and houses generally not built up to the property boundary resulting in landscaped space between buildings the area. The Summerhill plot falls within a character area which has locally distinctive positive features including individually designed mostly two storey detached houses, set back from the road with gaps between buildings.
- 58 The proposed outline application has provided the layout of the development as part of the application and this is indicated on the submitted block plan. In addition, the scale parameters of the proposed buildings are provided within the Design & Access Statement and indicative elevations show the possible design of the houses. These show that the dwellings proposed on the Dawning House site would have a maximum height of 9.6m and maximum widths and depths of roughly 13m. The height of the previously approved dwellings on this part of the site was raised as a concern both by the case officer and the Inspector in assessing the proposal. The Inspector saw the relationship with Cleve to the north as being particularly important and so imposed a condition on the approval requiring that slab levels and roof profiles be controlled. This is something that can again be achieved by way of condition on any grant of permission.
- 59 The two buildings proposed on the Summerhill site would have a maximum height of just under 9m, maximum widths of 11.24m and maximum depths of 10.79m. I therefore deem it to be appropriate to control the slab levels and roof profiles by way of condition, since these properties would sit at a slightly higher level than the two units to the front of the site.
- 60 The proposed siting and layout of the new dwellings would respect the existing pattern of development which fronts Seal Hollow Road, and which generally reflects a ribbon layout of built form. The position to the highway varies to the south and north of the site, but the proposed development would still maintain a sufficient level of separation to the highway, and between the front and rear of the four dwellings, to maintain the layout and pattern of development along Seal Hollow Road. As noted earlier there is variety in the pattern of built form around the site resulting from the network of roads to the west and the way that a number of sites wrap around the rear of each other affording a degree of tandem development within surrounding plots.
- 61 Accordingly, I do not concur with a number of representations that the increase of two additional units, one more than has been approved by the Inspector, would harm the visual spaciousness of this suburban area. The area is generally well developed with varying plot sizes, orientation and size of properties. The development plot is located within an established suburban sector of housing on the periphery of the town centre which has a varying character, depending on whether you approach from Blackhall Lane, from the town centre to the south or from the A25 and Hillingdon Avenue to the north.
- 62 As also noted, this site is the last within this row of properties which is accessed from Seal Hollow Road. Accordingly, the intensification of housing numbers here does not set a precedent for the other properties to the north, which all sit within

the street scene context of Wildernesse Mount and would need to be considered against the visual appearance, layout and pattern of development in that area.

- 63 I consider the layout of the proposed dwellings on site, separation to neighbouring boundaries and between plots, along with the indicated scale parameters would maintain the existing scale, site coverage and density of built form within the surrounding area and would accord with the each policy requirement.
- 64 Landscaping is a reserved matter, however the submitted soft landscaping plan indicates planting would be retained along the frontage where the wooded area is now protected. The plan also shows that it would be possible to replace or reinforce the planting along to the southern flank boundary of the site adjacent to the proposed widened access drive.
- 65 However, the Inspector when assessing the recent appeal did not condition the retention of this boundary treatment along the driveway and the planting along this boundary remains unprotected, and can therefore be removed at any time. In addition to this, the scheme the Inspector considered involved significant widening of the driveway to the south of the Dawning House site. This proposal includes a small increase in the width of the driveway and the widening of the access onto Seal Hollow Road. The widening of the access was previously supported by the Inspector for the reason that there would be little need to remove existing planting in this part of the site.
- 66 The widening of the access drive with a soft appearance, which is proposed to be retained to the southern boundary, would result in no significant harm on the character and appearance of the area. Changes to the access onto Seal Hollow Road were previously encouraged by the Inspector and have been picked up as part of the detail of this application and are considered in the highways safety section below.
- 67 Finally, the overall existing site provides a density of 5 dwellings per hectare and the proposed scheme would result in a density of 10 dwellings per hectare. Given the character of the area, which is mainly characterised by low density (6 dwellings per hectare), large houses on large plots, the proposed dwellings would maintain a low density and would fit comfortably into the character of the area.
- 68 It is therefore considered that the proposed development for four dwellings would preserve the character and appearance of the area.

Impact on neighbouring amenity

- 69 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 70 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 71 Concern has been raised by the Town Council and the occupants of surrounding properties of the impact of the proposed development on their residential amenities. The issues raised in particular are over bearing effect, overlooking,

loss of privacy, and the impact of noise, smells and disturbances from the proposed dwellings.

- 72 The block plan submitted demonstrates that with the size of house proposed it would be possible to maintain sizable distances between the proposed houses and neighbouring properties, and indeed between the houses themselves. The rear wall of the southern plot on the Dawning House site would be 42m to the front of Salterns, the front wall of the northern plot on Summer Hill would be 37m from the rear of Cleves and the front wall of the southern plot on Summer Hill would be about 40m from the rear of Sealcot.
- 73 The flank wall of the southern plot on Dawning House would maintain a distance of about 10m to the flank of Sealcot, while the flank wall of the northern plot would maintain a distance of over 15m to the flank of Cleve. The southern plot on Summerhill would maintain a distance of separation of roughly 19m to the flank wall of Salterns, both plots would retain a distance of 27m to the flank of Oakridge to the west and the northern plot would maintain a gap of over 30m to Monksilver. Finally, the distance of separation between the front of the plots on Summerhill and the rear of those on Dawning House would be a minimum of almost 34m.
- 74 In addition to these distances of separation, the orientation of each house, the softening of the development by way of existing and proposed planting along shared boundaries and the fact that indicative plans show bathrooms at first floor level in flank elevations, that could be conditioned to be obscure glazed if required, means that no material over bearing effect, overlooking or loss of privacy would occur.
- 75 Noise, smells and disturbances from the proposed dwellings would be no greater than from any other property erected in this suburban area of Sevenoaks and so this is not an objection that I support.
- 76 It is therefore considered that the proposed development would preserve the amenities of the occupiers of adjoining properties.

Impact on highways safety

- 77 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. (para. 32)
- 78 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should provide parking facilities and should ensure satisfactory means of access for vehicles. Policy VP1 of the Sevenoaks District Local Plan requires that vehicle parking provision in new developments should be made in accordance with adopted vehicle parking standards.
- 79 The proposal would mean utilising an existing access onto the highway and result in two additional units in use terms compared with the existing situation. The Highways Engineer previously advised that there is no objection to using the access for one additional unit, in addition to the extra unit allowed at appeal, subject to improvements to visibility and widening the access in keeping with the expectations of the Inspector. This is a point raised by the Highways Engineer again and can be secured through conditions requiring further details of these alterations.

- 80 In addition, modest improvement to the width of the remainder of the driveway is proposed, which was originally welcomed by the Highways Engineer since this would improve access for emergency and other service vehicles. The proposals also include improved turning facilities for larger vehicles, therefore in highway safety terms these measures represent an improvement on the existing situation.
- 81 Revisions to the proposed on site parking arrangements were previously suggested by the Highways Engineer, as were revisions to the design of some of the turning areas so as to reduce the extent of hard standing. It would also be necessary for plans to demonstrate the full extent of proposed visibility splay to the north, but each of these matters may be dealt with by condition. In addition it is recommended that a condition to secure a construction method statement to include deliveries, parking and turning and wheel washing during the course of construction be requested.
- 82 The Inspector, in coming to his decision on the previous appeal, noted that the addition of a dwelling to the site would represent a significant increase in traffic use for the existing access. He also thought it “significant that the highway authority were satisfied with the adequacy of the access onto Seal Hollow Road subject to minor radii changes and improvements to visibility splays”. The proposal would result in a further additional unit using the access, however the Highways Engineer is again in support of the proposal on the proviso that alterations are made to the access to improve visibility, which can be secured by condition.
- 83 The most recent comments provided by the Highways Engineer refer to amendments to the scheme, which would affect both the layout and access of the proposed development. Since these are the two matters being considered as part of the application, and given that these are new comments on a scheme which was previously considered to be acceptable, it would be unreasonable to require the applicant to make significant changes to their proposal now.
- 84 However, the Highways Engineer goes on to state that they would raise no fundamental objection to the proposal subject to conditions relating to the turning of vehicles on site and visibility splays for the access on to Seal Hollow Road.
- 85 Therefore, subject to the conditions requested by both Highways Engineers being included on any approval, it is considered that the proposed development would preserve highways safety and provide sufficient off street parking.

Impact on trees

- 86 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (para. 118).
- 87 The Council’s Tree Officer acknowledges that the development would necessitate the loss of some trees and shrubs, but that the main areas of neighbouring mature trees and hedgerows should not need to be disturbed during the proposed construction process and can and should be retained as part of future landscaping for any consented to scheme.

- 88 Landscaping is a reserved matter, however the Tree Officer has accepted the landscaping details shown. These details do not include tree protection, which can be requested by way of condition. A condition can also be incorporated in any approval requiring details of any proposals for pruning or tidying and additional planting within the wooded area to the front of the site.
- 89 Subject to these requested conditions being included on any approval, it is considered that the proposed development would not significantly impact upon protected trees.

Sustainable development

- 90 As already mentioned, the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' (para. 14)
- 91 In my opinion, the proposed scheme accords with the development plan, and I have explained this in detail above, there would be no adverse impacts in granting planning permission for the development and there is nothing within the content of the NPPF which indicates that development should be restricted.

Other Issues

Code for Sustainable Homes

- 92 Policy SP2 of the Core Strategy requires that new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes. No information relating to this has been submitted by the applicant however it is possible for the achievement of Level 3 to be required by way of condition on any approval.

Affordable housing contributions

- 94 Policy SP3 of the Core Strategy requires that for residential developments of less than 5 units, which involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site. The Affordable Housing SPD allows applicants to consider issues of financial viability and demonstrate that the payment of the required contribution would impact the viability of the proposed development.
- 95 The applicant has considered the matter of financial viability and has provided a detailed, independent assessment of the situation with regards the total costs of the development when compared against the open market values of the proposed dwellings. This is in accordance with the guidance held within the Affordable Housing SPD.
- 96 In considering the content of the assessment it is evident that insufficient funds would remain, after all costs are taken into consideration, to provide the required contribution in this instance. The content of the assessment is comprehensive and officers are satisfied with the content of the document.
- 97 As a result of their assessment it has been concluded that an Affordable Housing contribution would make the development unviable. Therefore the Council considers that the applicant has demonstrated that genuine economic constraints

exist in this instance. The owner has proposed to reduce their profit margin and provide an off site affordable housing contribution of £5000. In accordance with the SPD on Affordable Housing 2011, the Council has deemed this contribution to be acceptable in this case.

- 98 Representations have raised comparisons with other similar developments where applicants have agreed to pay the full Affordable Housing contribution required by SP3. However, each application is assessed on the individual circumstances and in these other cases the applicants did not produce evidence of issues of viability that demonstrated a contribution in accordance with the policy would render the scheme unviable.

Drainage

- 99 The issue of drainage has been raised following the inclusion on the previous scheme of a balancing pool. Since drainage is an issue covered by Building Regulations it is not considered necessary to also consider this issue as part of the planning application. Also, Thames Water has previously raised no objection to the proposal subject to the imposition of informatives on any approval.

Impact on wildlife

- 100 This is a suburban area, where wildlife exists, but no evidence of protected species inhabiting the area has been put forward by representations received, which have raised this issue. Therefore, the development can be carried out and existing wildlife can be retained since it is the applicant's intention to retain a good amount of existing soft landscaping on the site and also to improve this landscaping with additional planting. This existing and proposed planting would encourage wildlife to remain in the area.

Impact on the value of property

- 101 The issue relating to the potential impact the development would have on the value of existing properties is not considered material to the assessment of any planning application.

Legal matters and land ownership

- 102 Representations from a neighbour explain that the access drive is owned by them and the Council is aware that the access drive forms part of a boundary dispute between the neighbouring land owners. Such disputes are private issues and do not prevent planning permission from being granted on land outside the applicant's ownership. The inclusion of condition 14, relating to the timing of the proposed works to the access driveway, would ensure that development does not commence unless the widened access is provided.

Time period for consent

- 103 Circular 08/2005 'Guidance on Changes to the Development Control System' states that in relation to the time limit within which applications must be made for the approval of reserved matters, that this will normally be three years from the grant of outline permission, but an authority could choose to direct a longer or shorter period as appropriate. (para. 24)

- 104 Appropriateness should be read in the context of Section 92 (6) Town and Country Planning Act 1990 which states that the authority should have regard to the provisions of the development plan and any other material considerations.
- 105 Therefore, whilst the Council has the discretion to allow shorter or longer periods for the submission of reserved matters, it must do so in light of the relevant material considerations.
- 106 There are currently no specific development plan policies which deal with the timing of development from the grant of planning permission.
- 107 In addition, in considering this matter, the Council has had regard to all responses and representations in relation to the applications and has also considered the requirement of the NPPF for local authorities to meet full requirements for housing.
- 108 The Council has consistently exceeded its housing targets and has a five year supply of housing land that meets the requirements of the NPPF. Therefore as there is no compelling reason to expedite housing delivery to meet need and in the absence of representations advanced as to why the standard 3 years is not appropriate in relation to the application, I see no reason why anything other than the standard 3 years should be considered as an appropriate timescale for the submission of reserved matters in this instance.

Access Issues

- 109 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development provides appropriate facilities for those with disabilities. Elevational plans are indicative at this stage but the applicant can be notified by way of informative that if Building Regulations require ramps up to the front door of each proposed house that a further planning application may be required.

Conclusion

- 110 It is considered that the proposed dwellings would preserve the character and appearance of the area, neighbouring amenity and highways safety, would provide sufficient off street parking and would not significantly impact upon protected trees. Consequently the proposal is in accordance with the development plan and therefore the Officer's recommendation is to approve.

Background Papers

Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

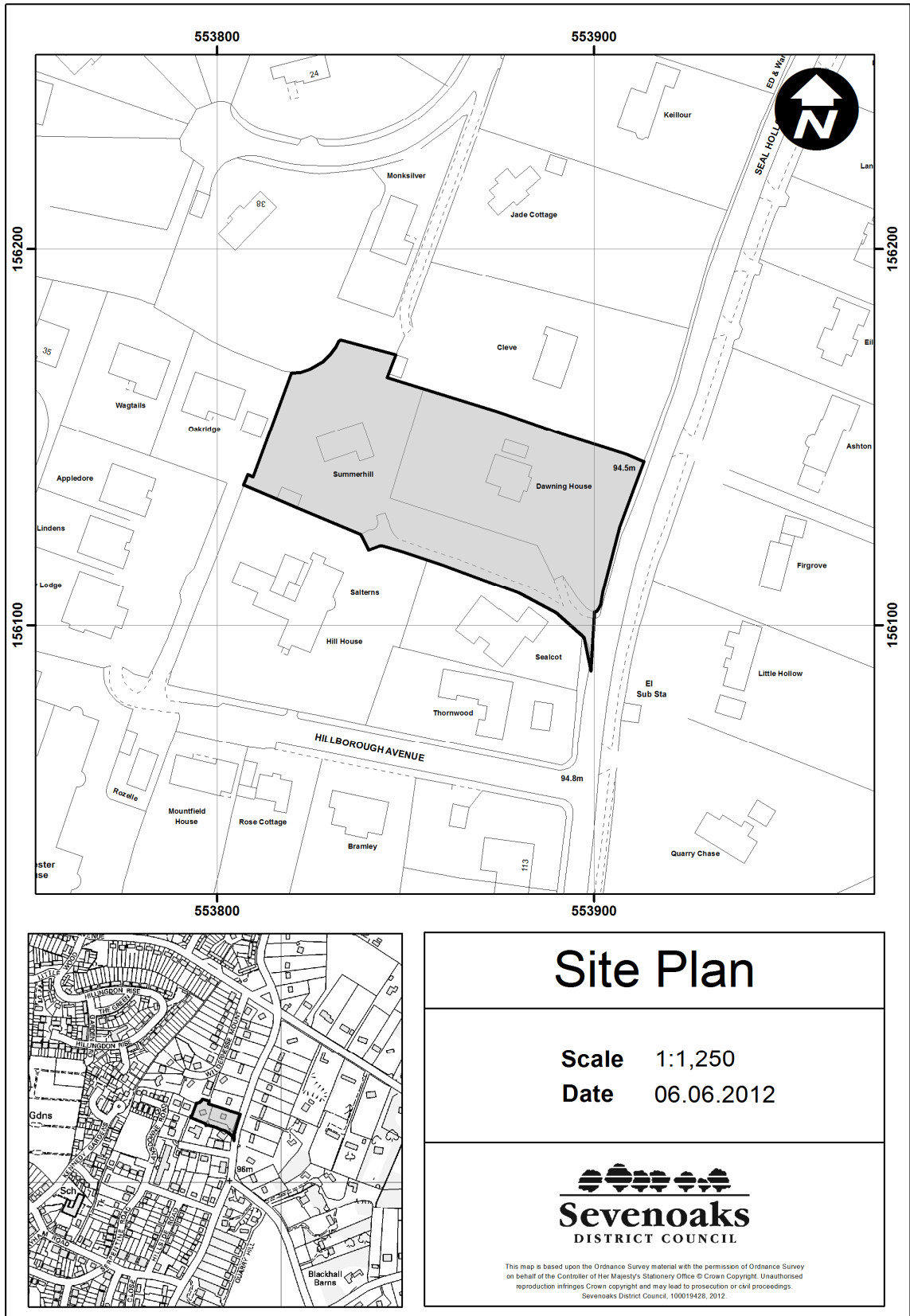
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=L9E8SCBK8V000>

Link to application documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=L9E8SCBK8V000>



Site Plan

Scale 1:1,250
 Date 06.06.2012



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