

4.2 - SE/12/01819/OUT Date expired 18 December 2012

PROPOSAL: Outline application for demolition of the New Inn Public House and erection of 13 one bedroom units and one 2 bedroom unit with all matters reserved.

LOCATION: The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Ann Dawson who is concerned with regard to the effect of the development on the amenities of the neighbourhood in relation to parking in an already over-parked area and would wish this to be discussed at committee.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposed development, by virtue of its scale, would have a detrimental impact upon the character and appearance of the street scene, as it would dominate the vicinity and not be in harmony with the adjoining buildings. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.

The proposal development would, by virtue of its height, scale and position of windows, have an overlooking impact that would be detrimental to the privacy of the occupiers of residential properties at the rear (Nos. 1, 3 and 5 St James Road) and 54-64 Goldings Road. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.

The applicant has failed to finalise a legal agreement providing the adequate number of on site affordable units with no provision of affordable units. The proposal is not in accordance with the Policy SP3 of the Core Strategy.

Description of Proposal

- 1 It is intended to demolish the public house and construct a three storey residential building (with accommodation in the roof space) comprising of 14 units, 13 one bed and 1 two bed flat set over four floors.
- 2 This is an outline application, with all matters are reserved.
- 3 The scale parameters of the development is indicated as height 11.2m, width 15.2m and length 16m. The site itself is approximately 300sqm.
- 4 There will be no on site parking provision.
- 5 N.B The application was initially incorrectly consulted with the description totalling 15 units rather than the correct 14.

Description of Site

- 6 The application site is the New Inn public house sited on St Johns Hill in Sevenoaks.
- 7 The site is primarily neighboured by two storey residential (and commercial) properties to the rear and to the north, and by a petrol station to the south.

Planning History

- 8 12/01328/OUT. Outline application for demolition of the New Inn Public House and erection of 9 one bedroom units and 1 two bedroom unit with all matters reserved. Withdrawn

Policies

Sevenoaks District Local Plan

- 9 Policies- EN1A, VP1

South East Regional Plan,

- 10 Policies - CC6, CC2, CC4

Sevenoaks Core Strategy

- 11 Policies - SP1, SP2, SP3

Other

- 12 National Planning Policy Framework

Representations

- 13 Nine letters of objection have been received, which are summarised as follows:
- It is unthinkable in this day and age to even consider a new residential development with no parking provision.
 - Surrounding roads are already grossly overcrowded with cars parked by residents.
 - The building will be totally out of keeping and out of scale with the surrounding properties. The Residential Character Survey would have not considered this to be in keeping.
 - Where are the residents to park?
 - Where will the public house locals go?
 - I have concerns about the position of the French Windows at the rear, they appear to point in the direction of our house and others and will have an impact upon privacy.

- The development seems to include land which is not currently associated with the New Inn.
- The development will overlook the properties along Golding Road.

Consultations

Sevenoaks Town Council

- 14 Sevenoaks Town Council recommended approval subject to the provision of 15 parking spaces to serve the proposed flats.

Following re-consultation: Sevenoaks Town Council recommended approval.

KCC Highways

- 15 “Thank you for inviting me to comment on this planning application. This development fronts directly onto the A225 with no rear access and is sandwiched between a petrol filling station and a row of shops. There is also a bus stop immediately to the north of the site. The proposal includes full demolition of the pub and construction of 4 stories to accommodate 15 residential units. On an engineering basis considering the constraints of the site I would consider that demolition and construction will be technically challenging. Whilst the application is outline it is considered that the construction type, method and plant requirements should be assessed. The scale of development proposed is significantly greater than that proposed at The Castle which comprises partial demolition and conversion.

In terms of traffic generation and vehicular access the proposal, comprising no car parking, negates these highway issues. Again whilst this is an outline planning application, it is considered that an on street car parking assessment of the surrounds should be undertaken, the views of the District's own parking services should be sought and the possibility of permit provision in nearby off street car parks should be determined.

These are material considerations that in my view need to be established and understood further in order to enable an informed view of impacts to be made.

I hope the above is helpful but if I can be of any further assistance, please do not hesitate to contact me”.

Following discussions with the applicant:

- 16 “Following this consultants estimate to the applicant to undertake these surveys, the applicant rang me to say that they could not afford them but I advised that they may be a worthwhile investment if planning approval is sought.

I note the applicants own communication and survey of activities associated with the pub.

In essence from Kent Highways point of view zero parking would only be of consideration if we felt that that in turn would have road safety implications. In this instance I do not feel that this is the case and would therefore have no objection to the application. However, any expected increases to on street parking, most notably in a residential context in the evenings, may have an

amenity impact and I do feel that night time parking surveys to the method proposed would be helpful to give members and officers a measure of any expected impacts”.

Following submission of a parking assessment:

- 17 “I read this survey report and Transport Statement with interest yesterday and personally I feel that this report is comprehensive and conclusive. Following my e-mail of Wednesday I consider that there are no safety impacts to zero parking associated with this application. I also agree with the consultants comments regarding the loss of the current crossover with the A225 here adjacent to a bus stop, in that this would be a road safety improvement.

Please do not hesitate to contact me if you wish to discuss further but I would conclude that there are no highway grounds to recommend refusal to this application”.

Environmental Health Officer

- 18 “I have looked at the outline details submitted for the above application, including the amendments submitted 28th September 2012.

Whilst I have no adverse comments to the principle of the application, I have concerns about the noise and contaminated land implications for the site.

- 19 Noise: My concerns are to protect the development from noise; particularly from traffic noise and noise from the neighbouring commercial properties on St Johns Hill. The applicant should be required to submit a scheme of acoustic works to protect the residents, particularly from road traffic noise. Such a scheme may include but is not limited to, the installation of enhanced acoustic glazing and alternative acoustic ventilation.
- 20 Contaminated Land: While the existing property has been largely unchanged for some considerable period, it is a commercial property. The proposed development is residential and the site should be surveyed to assess the level of threat posed to the proposed buildings.
- 21 I request that the following conditions are attached to any permission granted.
- Noise: Before development commences, details of acoustic measures to protect the residential units against noise shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before first occupation of the development and maintained as such thereafter.
- Contaminated land: No development to be commenced until a site investigation has been undertaken to determine the nature and extent of any contamination. The results of this investigation, together with an assessment by a competent person and the details of a scheme to contain, treat or remove any contamination, as appropriate, should be submitted to and approved in writing by the local authority.
- 22 Prior to the occupation of the development or any part of the development permitted, the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied.

- 23 The scheme should include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development and should include a requirement to notify the Local Planning Authority of the presence of any such contamination.
- 24 A certificate shall be provided to the local planning authority by a responsible person stating that the remediation has been completed and the site is suitable for the permitted end use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Following the submission of a Soil Contamination Report:

- 25 I have had a look at the desk top study and spoken to the author, unfortunately despite getting the appropriate environmental data from one of the normal environmental information companies he was unaware of the fuel leakage and subsequent recovery operation at the adjacent petrol service station.
- 26 Therefore if you are minded to approve the application a condition requiring further intrusive investigation will be required with appropriate remediation or protection measures where necessary”.

Group Manager Planning Services - Appraisal

- 27 The main considerations of this proposal are:
- The policy provision for the site
 - Layout/ density
 - Impact upon street scene
 - Impact upon neighbouring residential amenity
 - Contaminated land issues
 - Affordable Housing contribution
 - Parking provision

Whether the proposed use is acceptable

- 28 The site is a public house located next to a shopping frontage identified in the Local Plan as a local shopping area (policy S3A of the Local Plan)
- 29 As the public house is located within the town there is no district policy protection for its retention, unlike for public houses in rural villages which is protected by policy L07 of the Core Strategy.
- 30 The National Planning Policy Framework supports sustainable development in the context of housing applications and encourages the effective use of land by reusing land that has been previously developed (brownfield land). However para 70 of the NPPF states that decisions should guard against the unnecessary loss of valued facilities.

- 31 No specific reasons have been put forward for the loss of the pub (i.e viability), however given its urban location, there are alternative pubs in the vicinity, for example the Rifleman on Camden Road.
- 32 In terms of principle therefore, the change of use of the site to residential is considered to be acceptable.

Layout/density of the proposal

- 33 Policy SP7 of the Core Strategy states that within the urban areas of Sevenoaks, Swanley and Edenbridge new residential development will be expected to achieve a density of 40 dwellings per hectare.
- 34 The proposed site provides for 14 units on a plot of 300m² approx, which gives a density of 466.6 dwellings per hectare.
- 35 Given that the site is located within an urban area within Sevenoaks Town, it is not considered that the density is excessive, given the built up character of the surrounding.
- 36 This is subject of course to the impact of the height and scale of the building upon the street scene, which is discussed later in this report.
- 37 In terms of layout, the proposed building, centrally sited within the plot and in line with the frontage of the neighbouring units is considered acceptable.

Access arrangements

- 38 The access arrangements are reserved; however the submitted information states that the building will be accessed by foot from the front of the property, similar to the existing public house.
- 39 No parking provision is proposed and the existing vehicular access off the highway is not needed. The KCC Highways Officer agrees with the submitted transport statement (Dec 2012), in that the loss of the current crossover with the A225 here adjacent to a bus stop, in that this would be a road safety improvement.
- 40 It is considered therefore that it should be possible for acceptable pedestrian access arrangements to the site to be agreed at reserved matters stage, as the details submitted indicate no harm.

Impact upon the wider street scene

- 41 Policy EN1 of the Local Plan states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 42 Policy SP1 of the Core Strategy states that 'all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity.

- 43 The existing public house is a traditional two storey structure with a hipped roof and single storey side addition. The building is located between a two storey terrace (with commercial ground floor) and a petrol station.
- 44 The Supplementary Planning Document 'Sevenoaks Residential Character Area Assessment' states that, with regards to this area:
- The scale of buildings becomes more domestic in the southern section of St. John's Hill with less sense of enclosure. The buildings are generally set close to the road, following the Victorian pattern of development.*
- Orange brick and hanging tiles and white render are the most commonly used materials. There are a number of commercial properties in this section of road although the signage is limited and restrained, respecting the mix with residential uses. The design of buildings is varied dependant on the period of development. The hipped roof of the 1930s parade of shops and the art deco frontage to the former cinema are typical of their periods.*
- 45 In proposing new development within the St John's Hill Character Area:
- Individual buildings should be of a high standard of intrinsic design quality
 - The listed building and its setting should be protected
 - The character of the townscape feature of terraced cottages should be retained
 - The views of the North Downs should be protected
 - Signage and advertising should be limited and restrained
 - The setting of the adjoining Hartslands Conservation Areas should be protected or enhanced.
- 46 The site is not located in a position that would have an impact upon the listed building nor the nearby Hartslands conservation area, given the distance (135m to the listed building - 128-140 St Johns Hill, and 300m approx. to the Conservation Area). The advice given above states that the 'design of buildings is varied' along this part of St Johns Hill, however, in accordance with Policy EN1 of the Local Plan and SP1 of the Core Strategy, it states that individual buildings should be of a high standard of 'intrinsic design quality'.
- 47 It is unclear from the information submitted how tall exactly is the existing public house, but as stated above, it is a traditional two storey hipped roof structure, which is in keeping with the adjoining two storey terrace. The proposed four storey building would be substantially taller.
- 48 The proposed replacement residential building (as stated in the parameters outlined in the Design and Access Statement, and in scale on the indicative elevations) will extend up to 11.2m in height (and 7.7m to eaves).
- 49 Whilst the submitted plans are clearly indicative at this stage, the proposed height, compared to the existing building, lends itself to a massing that, despite the adjacent petrol station, would dominate the vicinity to the detriment of the street scene.

- 50 There is a tall building, which is currently a warehouse, further up St John's hill (between 61A and 63). This structure is the former cinema identified in the SPD above (with an art deco frontage). Whilst similar in height, it is not considered that the proposed structure, in its position, is comparable, especially given the bland indicative design, which will appear as an incongruous addition out of scale with its immediate surroundings.
- 51 It is therefore considered that the proposed residential building conflicts with Policy EN1 of the Local Plan and SP1 of the Core Strategy and fails to ensure that the design is in harmony with adjoining buildings.

Impact upon neighbouring residential amenity

- 52 Policy EN1 of the Local Plan states that that the proposed development should not have an adverse impact on the privacy and amenities of a locality.
- 53 The submitted block plan sites the development centrally within the plot, the front elevation in line with the frontage of the adjacent terrace (Carlton Parade), and extending to approx. 1.2m from the rear boundary (thanks to the rear gable projection).
- 54 The site is neighboured directly to the rear by a small parcel of land, currently unused and overgrown. This parcel of land measures approx. 16m wide and 3-7.5m depth.
- 55 Immediately to the rear of this land is the rear garden of No 1 St James Road, sited 7.3m from the rear gable.
- 56 It should be noted that these rear gardens, that of No 1, 3 and 5 St James Road and the gardens of 54 to 64 Goldings Road at the rear, are overlooked at present, from their immediate neighbours and from the first floors of Carlton Parade.
- 57 However given the height of the proposed building, which has 4 storeys of fenestration there will be considerable increase in the overlooking to the rear. This level of overlooking is considered to be in excess of the existing situation (due to the height and level of fenestration) and will lead to a sense of loss of privacy for these properties at the rear, which are all sited within 22m approx. of the development.
- 58 The height of the building leads to an amount of fenestration that leads to excessive overlooking. Given the amount of fenestration it is not considered that it is possible or practical to use conditions (obscure glazing) to mitigate this harm. Consequently it is considered that the development is contrary to Policy EN1 (as stated above) in this regard.
- 59 The proposed building also includes a number of windows on both side elevations.
- 60 The northern side faces the Carlton Parade units. This side elevation has two small windows on each elevation (serving kitchens), sited towards the centre of the building.
- 61 Given that the side elevation of No 1 Carlton Parade has a first floor window, and the windows are secondary windows it is considered that they should be

conditioned as obscure glazed to prevent unacceptable overlooking, both of this window and for the third storey at least, the rear amenity area of this property.

- 62 The fenestration on the southern side faces the petrol station and is not therefore considered to have a detrimental overlooking impact. Any overlooking towards the rear would be oblique and not of a level that would be detrimental.
- 63 The proposal would therefore cause harm to No.s 1, 3 and 5 St James Road and No.s 54 to 64 Goldings Road and would be contrary to Policy EN1 of the Local Plan.

Contaminated land issues

- 64 Given the siting of the building immediately adjacent to a petrol station, and the proposed change of use to residential, there are possible contamination issues with the proposed development, especially given the history of the site where there has been previous leakage issues.
- 65 A Soil Contamination Report was submitted on the request of the Environmental Health Officer, however this was considered to be incomplete (and did not specifically address the past leakage issues). A condition requiring a further comprehensive report is suggested, and this is considered necessary and appropriate given the proposed use. Given that mitigation measures would be possible, it is not considered that this information is necessary at this stage.

Affordable Housing contribution

- 66 Policy SP3 of the Sevenoaks District Core Strategy states that:
- “In residential developments of 10-14 dwellings gross 30% of the total number of units should be affordable”
- 67 The applicants initially indicated that the adequate level of on site provision was acceptable; however, (following full details of KCC requirements) a draft agreement was sent to the owners solicitors on the 31st December with no acknowledgement or subsequent correspondence.
- 68 It is therefore considered that the proposal is contrary to the provisions of this policy as no agreement complying with the above requirement has been finalised.

Parking Provision

- 69 Policy EN1 of the Local Plan states that proposed development should not ‘create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.’
- 70 Policy VP1 of the Local Plan states
- Vehicle parking provision in new developments will be made in accordance with the KCC adopted vehicle parking standards. The Local Planning Authority may modify these standards in order to:
- 1 Reflect lower provision appropriate in town centres or elsewhere if a site is well served by public transport routes;

- 2 Ensure the successful restoration, refurbishment and re-use of listed buildings or buildings affecting the character of a conservation area;
 - 3 Allow the appropriate re-use of the upper floors of buildings in town centres or above shop units;
 - 4 Account for the existing parking provision (whether provided on or off-site) already attributed to the building's existing use when a redevelopment or change of use is proposed and for the use of existing public car parks outside of normal working/trading hours by restaurants and leisure uses
- 71 The existing public house provides for two off street parking spaces, accessed via a dropped kerb directly from St Johns Hill.
- 72 As stated above, the development makes no provision for on site parking.
- 73 The Kent County Council Highways Officer initially stated that in policy terms, zero parking for the proposed development would be acceptable if there were no road safety implications. This is not considered to be the case however the highways officer did raise concern that the increased on street parking, especially in the evening, may have an impact upon the amenity of neighbours.
- 74 Subsequently, a Parking Assessment (from Paul Mew Traffic Consultants limited) was then submitted, which was found to be comprehensive and conclusive. This assessment included a parking inventory based on 200m radius of the site and surveys taken between 6-7pm on a typical weekday evening, and between 12:30am-5:30am on two separate week nights.
- 75 The survey indicated that there are 69 unrestricted car parking spaces within the identified area, 18 restricted parking bays and 70 kerb side parking opportunities on single yellow line space which can be parked on outside of the specific hours of control.
- 76 In addition to this the St James Road public car park and the St Johns Hill public car parks have been included in this study, as they are both within 200m of the site.
- 77 These provide an additional 87 parking spaces (66 in St Johns Hill and 21 in St James Road). These are operated by the Council and provide residents permits.
- 78 The KCC Officer found the survey to be comprehensive and conclusive.
- 79 The survey recommends that in order to mitigate any potential impact of the development on the adjoining road networks, that the developer provides each flat with a one year parking permit for these car parks.
- 80 The Council's own Parking Officer finds this arrangement to be acceptable, but suggested that this is restricted to the larger St Johns Hill car park only.
- 81 The KCC Officer reiterated his opinion that the lack of parking provision had no detrimental safety impact, and states that the loss of the existing cross over adjacent to the bus stop outside the site would lead to an improvement in highway safety.

- 82 The site is located in an accessible and sustainable position, to the north of the town centre but adjacent to a local shops and the protected St Johns Local Shopping frontage. The site is also located within 500m of Bat & Ball train station and is well served by bus services.
- 83 In this instance therefore it is considered that, given the lack of objection from KCC Highways or the Councils Parking Officer, the proposed development is, on balance, considered to have an acceptable impact upon highway safety and amenity in this regard.

Other Issues

- 84 The KCC Highways Officer also requested a construction plan via condition due to the engineering challenges and constraints of the site. It is considered that a condition requiring these details are necessary and appropriate.
- 85 Given the siting of the development on a busy highway, between a petrol station and commercial units, then there is also potential for some major noise implications.
- 86 Policy EN1 of the Local Plan states that development should ensure 'a satisfactory environment for future occupants'
- 87 The Environmental Health Officer has therefore requested a condition relating to a scheme of acoustic works to protect the residents, particularly from road traffic noise. This condition is considered to be necessary.
- 88 Notwithstanding the above, nine letters of objection was received, the issues relating to which have been addressed above. With regards to the land at the rear, this is not included in the red-line boundary and with regards to the public house locals, it is not considered that this is a material planning consideration. As stated above, the principle of the change of use of considered acceptable.

Conclusion

- 89 In summary, it is considered that the proposed outline application for the demolition of the New Inn Public House and erection of 13 one bed units and one 2 bed unit would, by virtue of its scale, height and massing have a detrimental impact upon the character and appearance of the street scene. The proposal would also, again, by virtue of its height and scale, have an overlooking impact that would be detrimental to the privacy of the occupiers of residential properties at the rear (Nos. 1, 3 and 5 St James Road) and 54-64 Goldings Road. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.
- 90 The applicant has failed to finalise a legal agreement providing the adequate number of on site affordable units. Consequently the proposal is also not in accordance with the Policy SP3 of the Core Strategy.

Recommendation

That planning permission is refused.

Contact Officer(s):

Ben Phillips Extension: 7387

Kristen Paterson

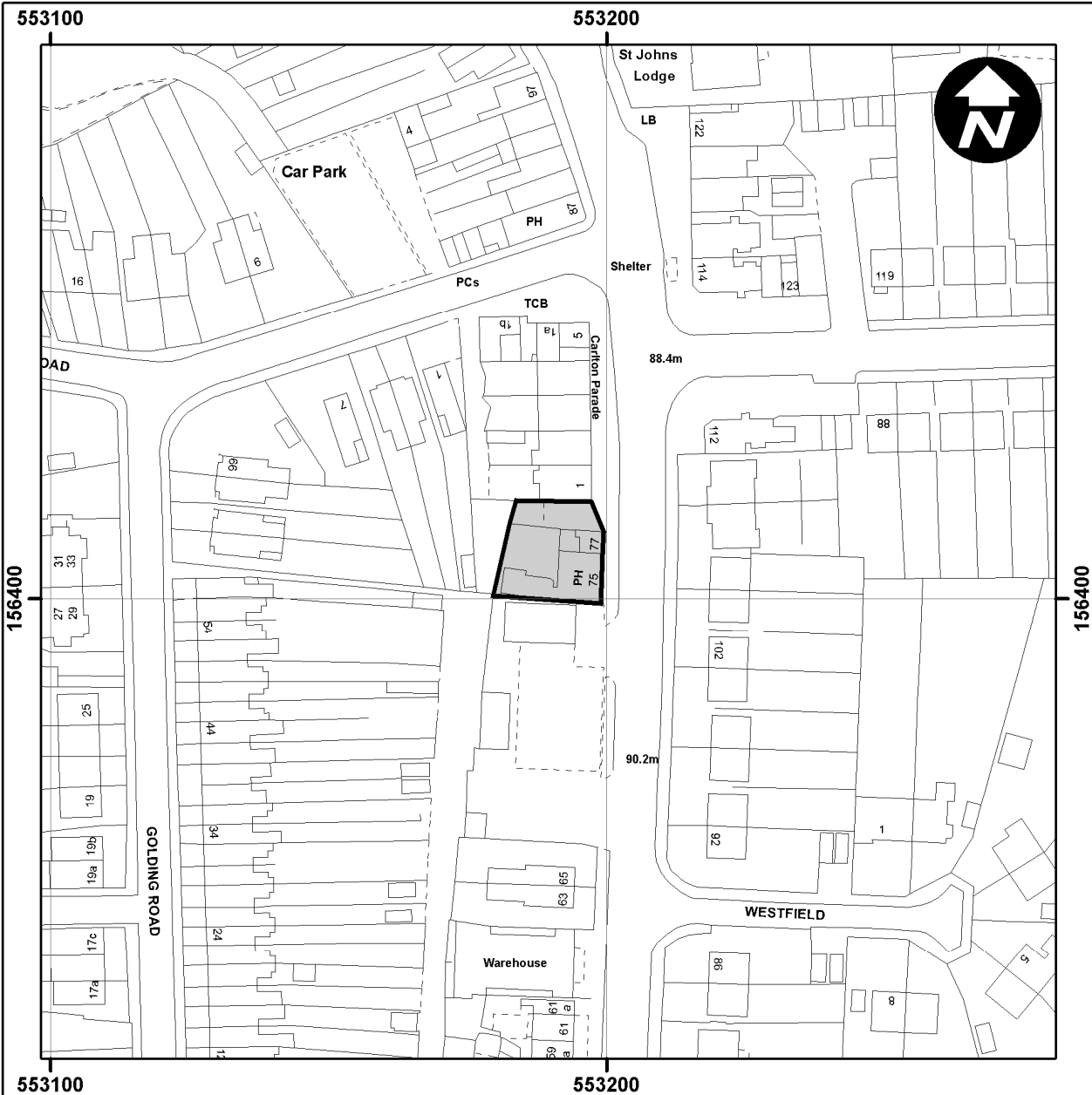
Community and Planning Services Director

Link to application details:

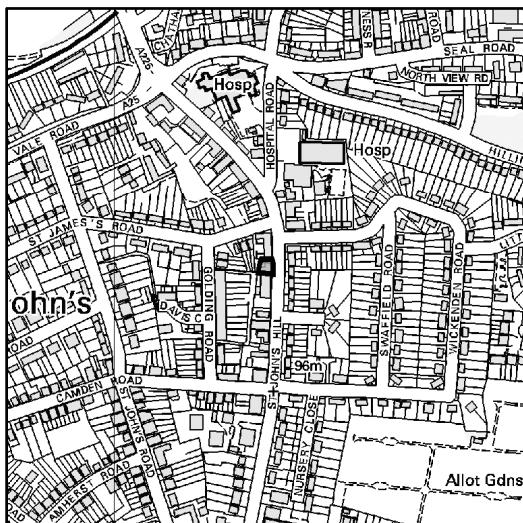
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M6XNHGBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M6XNHGBK8V000>



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Site Plan

Scale 1:1,250
Date 25/01/2013



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BLOCK PLANS

