

4.2 20/03395/FUL

Revised expiry date 2 April 2021

Proposal: Conversion of building from office to residential use by the creation of 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Creation of basement flat and internal alterations. Removal of bay window to front elevation and replacement with a new window.

Location: 40 High Street, Sevenoaks, KENT TN13 1JG

Ward(s): Sevenoaks Town & St Johns

Item for decision

Councillor Fleming has referred the application to Development Control Committee on the grounds of design and impact on the character and appearance of the area (paragraphs 127, 128, 130 and 131 of the NPPF) and the impact on heritage assets (paragraphs 189, 192, 193 and 194 of the NPPF).

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: 2038-01, 2038-02, 2038-03, 2038-04, 2038-05, 2038-06, 2038-07A, 2038-08A, 2038-09B, 2038-10A and 2038-11A.

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

3) The materials to be used in the construction of the development shall be those indicated on the approved documentation and plans: Section 9 of the Application Form, dated 20/11/2020, and plan numbers 2038-08A, 2038-09B, 2038-10A and 2038-11A.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) The existing first floor flat roof area on the east facing rear elevation shall not be used as private amenity space in relation to the development hereby approved. Access shall only be retained for safety and maintenance purposes.

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

National Planning Policy Framework

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

Description of site

- 1 The site consists of a three storey terraced property located to the east of the High Street within the town centre of Sevenoaks. The site consists of a Grade II Listed Building and is located within the Sevenoaks High Street Conservation Area. The site comprises an office use and is flanked by residential properties to the north and south.

Description of proposal

- 2 Permission is sought for the conversion of the currently vacant property into four flats, comprising three x1 bedroom flats and one x2 bedroom flat. The works would involve the creation of a basement flat and the replacement of the existing bay window with a replacement new window, in keeping with the proposed residential use of the site.

Relevant planning history

- 3 84/00263/HIST Alterations to building and affixing of externally illuminated fascia lettering and projecting sign. GRANT 12/09/1984.
- 4 84/00137/HIST Display of externally illuminated fascia lettering and double sided projecting sign. GRANT 13/09/1984.
- 5 84/00136/HIST Alterations and use of first and second floors of premises for office purposes. GRANT 31/10/1984.

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO3 Development in Sevenoaks Town Centre

8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- EMP5 Non allocated employment sites
- T2 Vehicle Parking

9 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)
- Sevenoaks High Street Conservation Area Appraisal

Constraints

10 The following constraints apply

- Grade II Listed Building
- Sevenoaks High Street Conservation Area

Consultations responses

- 11 Sevenoaks Town Council - "Sevenoaks Town Council recommended approval subject to the planning officer and conservation officer being satisfied with the amended drawings and changes, and also that the five main conditions listed by the conservation officer in their report to the original application approved by STC are satisfactorily carried out."
- 12 Conservation - No objection - Summary: "Overall the proposals will entail the loss of some fabric, but they also present an opportunity to reinstate the front area, railings and steps which will better reveal the significance of the building and terrace. This combined with the removal of the shop front and replacement with sash window to match adjacent houses will help to reinstate a consistency to the terrace. Please note that the use of high-quality bricks and appropriate mortar mix to match existing is of extremely high importance for the reinstatement of a sash window in the front elevation to be successful. The use of the house as residential is understood to be a viable use."
- 13 Thames Water - No objection with regards to waste water network and sewage treatment works infrastructure capacity.
- 14 KCC Archaeology - No comments.
- 15 Planning Policy - No comments.

Representations

- 16 One objection received to the amended plans raising concerns of errors on the application form, errors on the existing plans, details of materials, new

rails on flat roof area and use of space as a terrace, loss of front bay window, ventilation of bathrooms and kitchens and fire break in roof space.

Chief Planning Officer's appraisal

17 The main planning considerations are:

- Principle of development
- Impact to the character and appearance of the area
- Impact to neighbouring amenity
- Impact on the Listed Building
- Impact on the Conservation Area
- Impact to highways and parking

Principle of Development

- 18 Policy LO1 of the Core Strategy states that development should be focused within existing settlements. With policy LO3 stating that a mix of uses including retail, offices, leisure, culture and residential accommodation, will be retained and enhanced within the Town Centre with the historic form and character being maintained.
- 19 Whilst the site is within the town centre, it is not on a primary or secondary retail frontage nor is it an allocated employment site. Whilst the unit is currently vacant it has previously been used for offices, as such it is considered a non-allocated employment site and policy SP8 of the Core Strategy and policy EMP5 of the ADMP are relevant to establishing the principle of development.
- 20 Policy SP8 of the Core Strategy states that sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes.
- 21 This is consistent with policy EMP5 of the ADMP which states that the Council will permit the loss of non-allocated lawful business premises to other uses where it can be demonstrated that the site has been unsuccessfully marketed for re-use in employment for a period of 6 months and there is no reasonable prospect of the site remaining in employment use.
- 22 The applicant provides evidence that the unit has been vacant and unsuccessfully marketed since November 2014. No interest has been shown in the property for employment and business use since August 2019 which was when the last offer was made but fell through, meaning the unit has remained vacant and not been in viable business or employment use since November 2014.
- 23 Similar conversions into residential units have taken place within the wider context of the site, including 43 - 45 High Street and number 48 High Street. The building is in need of repairs, maintenance and updating to be brought

into a viable use and the applicant has provided evidence that the site has been unsuccessfully marketed for a period in excess of 6 months and is not suitable for office use. The evidence provided suggests that no offers have been made on the property for business or employment use since August 2019.

- 24 Considering the age of the building and the long period of vacancy (despite marketing), it is considered that the proposed change of use of the building would comply with policies SP8 and LO3 of the Core Strategy and policy EMP5 of the ADMP. The proposal would provide additional housing in a sustainable location and would see a currently vacant Listed Building brought back into a viable use, making a contribution to the vitality of town centre and the district's housing supply.
- 25 The site is located within the built confines of Sevenoaks, within walking distance to local amenities, open spaces and public transport links, and is considered to be a sustainable location. The development plan seeks to maximise the potential of such sites given the wider Green Belt constraints of the district.
- 26 Considering the above, there is no objection to the principle of the conversion of the existing building into residential use. This is subject to the proposal being considered acceptable with regard to other material considerations, including the character and appearance of the area, the impact on the designated heritage assets, neighbouring amenity and highway considerations.

Design and Impact on the Character of the Area

- 27 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.
- 28 The site is located within the town centre of Sevenoaks and will involve the conversion of the existing building. Much of the works proposed are internal alterations to the inside configuration of the building. The works to the principle elevation that will be visible from the public realm are principally the removal of the bay window and the reinstatement of the front steps, railings and access to the basement. These alterations would not be considered as harmful to the character and appearance of the site frontage or the wider street scene. The changes to the frontage of the building would be considered as in keeping with the adjoining neighbouring sites and would not appear incongruent or harmful to the character and appearance of the surrounding area and streetscape. As such, the proposal is considered in accordance with policies SP1 of the Core Strategy and EN1 of the ADMP.

Impact on neighbouring amenity

- 29 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 30 The proposed development would not result in an extension to the existing built form as such the proposed development would not result in a

significant loss of daylight, sunlight or outlook to any neighbouring properties.

- 31 The site is located within the Town Centre which has an expected degree of overlooking due to the density of development. The proposal would not therefore result in an unexpected degree of overlooking for this location.
- 32 The proposal has been amended with the previously proposed roof terrace omitted from the design of the upper floor flat. Moreover, the existing first floor rear-facing window will remain obscurely glazed, as it is currently, to protect neighbouring amenity.
- 33 The proposal would not be considered to have any increased impact on neighbouring properties than existing, as many of the changes proposed are internal, with the fenestration largely remaining as existing.
- 34 Regarding the living standards of the future occupants, all the bedrooms are served by natural sources of light and meet the National Minimum Space Standards for double occupancy bedrooms. Additionally, the light wells serving the basement flat have been enlarged to allow a greater level of natural light to serve the bedroom and habitable spaces.
- 35 Whilst it is noted that the future occupants of the apartments would have no private amenity space, due to the town centre location there is considered to be good access to public open spaces within walking distance of the property. The Development Plan encourages residential properties within town centre locations as they are sustainable locations with good access to services, open space and community facilities. In light of this, despite the lack of amenity space provision, it would be difficult to justify a refusal for the property not providing private amenity space.
- 36 Regarding noise and air pollution, as the building is listed the degree of sound insulation and adequate ventilation for residents allowed is naturally more limited. Whilst the main road and town centre location may give a degree of noise and air pollution, considering the residential character of the immediate locality with residential uses to the north and south of the site, this would not be considered to be to a harmful degree to future occupiers of the flats. The proposal would create additional residential properties in a sustainable location and the noise and air quality impact is not considered sufficient in warranting a refusal on this basis. The Development Plan supports the provision of homes in built up locations and due to the town centre location a degree of noise pollution would be considered to be expected. Comments from Environmental Health are awaited and any requirements for mitigation measures can be secured through condition in the late observation papers.
- 37 Overall, the proposal would not be considered to pose a harmful increased impact to neighbouring amenity and would be considered to provide an acceptable standard of living to future occupants. The proposal is therefore considered to comply with policy EN2 of the ADMP.

Impact on the Listed Building

- 38 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority, in considering development, which affects a listed building or its settings, to having special regard to the desirability of preserving the building or its setting, or any features or architectural or historical interest it possess.
- 39 The NPPF states that great weight should be given to the conservation of heritage assets (para 193).
- 40 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 41 The Conservation Officer has raised no objections to the scheme, stating that whilst the works may entail some loss of historic fabric, they would largely present an opportunity to reinstate the site frontage and better reveal the historic significance of the building.
- 42 The existing shop front is Georgian in appearance but of modern fabric and is not considered to be original. The existing operable, retractable awning of the shop front was a type of mechanism that was popular in the second half of the 19th century. However, census information for 1881 indicates that this building was in residential use, and a 1919 sales particular for the terrace describes the buildings at that time as residential. This suggests that the existing shop front and awning mechanism are 20th-century fabric, in line with the listing description.
- 43 The removal of the shop front and replacement with a window would help to reinstate a consistency to the terrace and improve the appearance of the terrace from the streetscape, respecting the history of the site. Whilst the Conservation Officer comments that a 6 over 6 sash window would be preferable, the new window has been designed to match the upper floor windows on the front of the site and this is considered to be acceptable and consistent with the existing site frontage.
- 44 The removal of the existing modern concrete deck at the front of the building and the reinstatement of the front area, steps and railings (based on the appearance of adjacent examples) will have a positive impact and help to better reveal the special interest of the Listed Building.
- 45 The removal of the ground floor rear doors and replacement with a window to enlarge the light well to the basement flat would be considered to cause less than substantial harm to the Listed Building. However, the public benefits of the scheme in bringing a currently vacant Listed Building back into a viable use within Sevenoaks Town Centre and the adequate provision of natural light to the future occupiers of the basement flat are considered to outweigh this less than substantial harm.
- 46 present an opportunity to reinstate the site frontage which will better reveal the significance of the building and terrace. This combined with the removal of the shop front and replacement with a window will help to

reinstate a consistency to the terrace. The use of high-quality bricks and appropriate mortar mix to match the existing is of extremely high importance for the reinstatement of a sash window in the front elevation to be successful. This will be controlled through a condition regarding details of material samples.

- 47 On the whole, the proposals are considered to be in accordance with the NPPF (para 193) and are supported in conservation terms. The less than substantial harm of the alterations to the rear doors and window would be considered to be outweighed by the public benefits of the scheme, as stated above. As such, the proposed works are considered to conserve, and in places reinstate and better reveal, the significance of the heritage asset in line with paragraph 193 of the NPPF and policy EN4 of the ADMP.

Impact on the Conservation Area

- 48 Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 placed a duty on a local planning authority that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. . The NPPF states that great weight should be given to the conservation of heritage assets (para 193).
- 49 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 50 As stated above, the Conservation Officer has raised no objections to the alterations proposed. The works to the site frontage would be considered to be consistent in design with the adjacent properties along the terrace and would be considered to reinstate the original character of the property, making a positive contribution to the Conservation Area.
- 51 The external alterations proposed would not be considered as harmful to the character, appearance or setting of the Conservation Area and would be in keeping with the wider streetscape. The removal of the front bay window would represent an opportunity to reinstate consistency to the terrace and reinstate the frontage of the site as it would have been.
- 52 The proposal is therefore considered to conserve and even enhance the character and appearance of this part of the Conservation Area, in accordance with policy EN4.

Impact on highways safety and parking provision

- 53 As previously stated, the site is within a town centre location and the proposal is to convert the property into 4 flats.
- 54 Policy T2 requires parking to be provided for residential developments in accordance with KCC parking standards, contained in Appendix 2 of the ADMP. Policy T2 states that the Council may depart from the maximum or minimum standards in order to take into account of specific local circumstances.

- 55 The provision of off-street parking spaces for this unit cannot be achieved due to the location and site constraints, and this was the same for the previous office use which did not have any on-site parking spaces provided.
- 56 The KCC Supplementary Planning Guidance SPG4 (2006) outlines the maximum vehicle parking standards recommended for each use class. For a B1 office use one parking space per 20 metres squared of office space is recommended. According to this standard, for the current office use of the site a maximum of 6 parking spaces would be expected. Based on the guidance in Appendix 2 of the ADMP, for 1-2 bedroom flats in a town centre location a maximum of one parking space per unit is required, which is less than that technically required as offices. Therefore, the proposed scheme results in a technical highway betterment than the existing use. .
- 57 In light of the above considerations and the town centre location, the proposal complies with Policy T2 of the ADMP in this instance.

Other Issues:

- 58 The objection received to the scheme references errors on the submitted documentation, plans and certificate signed.
- 59 The points raised in this objection regarding the application form and plans are considered to be minor and not material to the determination of the application. The points raised would not represent a reason to invalidate the plans or form reasonable grounds of refusal. Having carried out a site visit and reviewed the plans and documentation, the Council is satisfied that the existing plans are correct and of a suitable standard to allow determination.
- 60 Regarding the certificate, the applicant has signed certificate B to indicate they do not own all the land shown in the red outline, with an obligation to serve notice on the other property or interested party that may own part of the land shown in the red outline. The Council is satisfied that the correct certificate has been signed and the correct procedure followed regarding the validation of the application.
- 61 The flat roof area needs to be maintained as a fire exit with access for maintenance only. The proposed roof terrace has been omitted from the plans and this area will be conditioned to not be used as private amenity space to protect the privacy of the neighbouring bedroom window which faces out onto this area. Moreover, the details of material samples will also be secured through condition on the Listed Building Consent application.
- 62 The amendments that have been made to the scheme are considered to address and alleviate the original concerns raised within the public comment and the additional points raised subsequently are considered to be minor or are non-material and do not constitute a reason for refusal.
- 63 The proposal would see this currently empty unit be brought back into use and this is a benefit of the scheme with regards to the Listed Building and the vitality of Sevenoaks Town Centre. The scheme will provide four new flats in a sustainable town centre location.

Community Infrastructure Levy (CIL)

64 The proposal is CIL liable and no exemption has been applied for.

Conclusion

65 The proposal would not result in the loss of a commercial use that would cause detriment to the viability and vitality of the Sevenoaks Town Centre. The development would preserve the historic character and fabric of the Listed Building and the character and appearance of the Conservation Area, compliant with policy EN4 and the heritage principles of the NPPF. The unit is in a highly sustainable location and the use of the building would not compromise the amenities of the existing neighbours or the future occupiers of the site.

66 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.

Recommendation

67 It is therefore recommended that this application is GRANTED.

Background papers

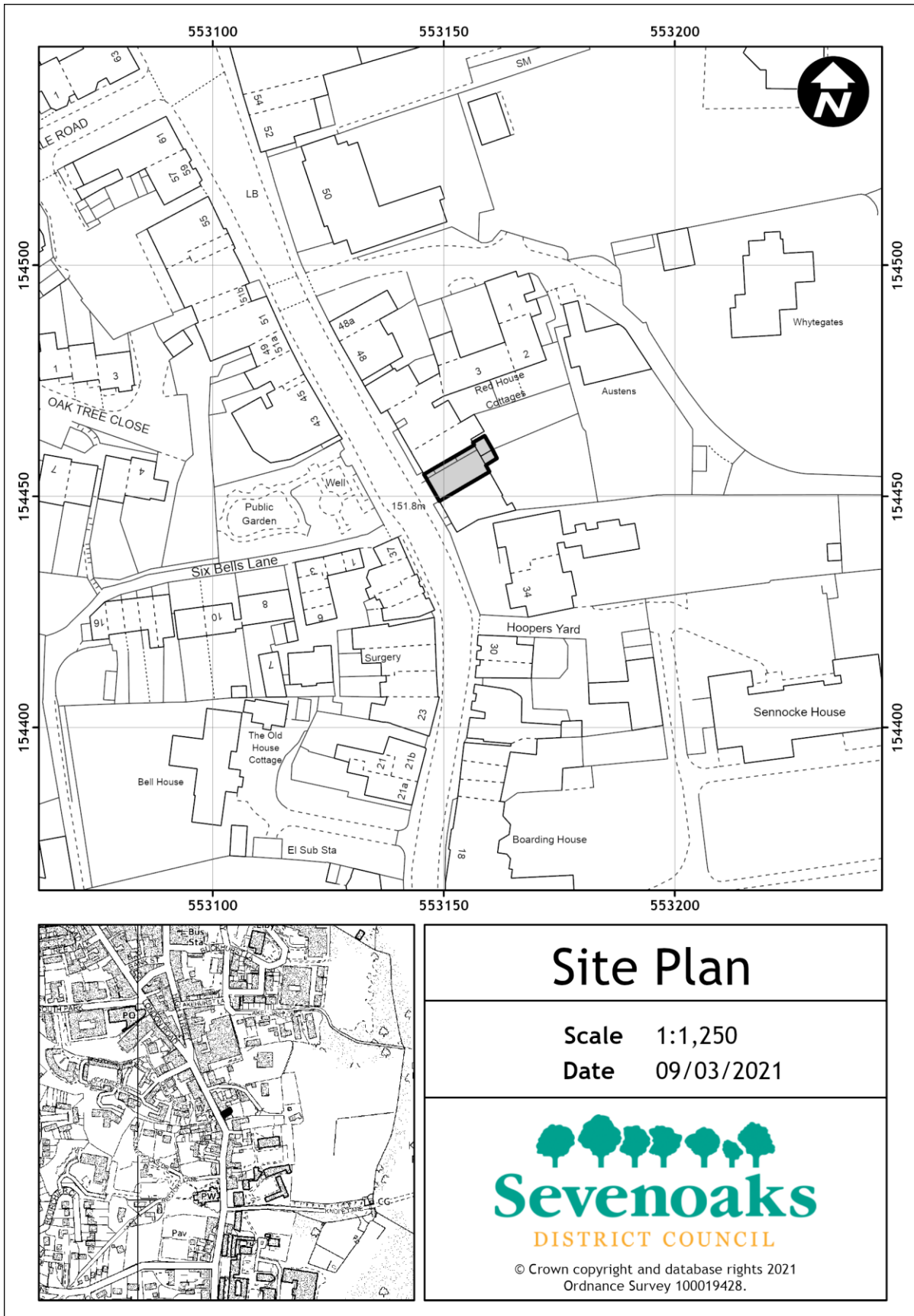
Site and block plan

Contact Officer(s): Anna Horn - 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
 Date 09/03/2021



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