

4.1 21/02144/FUL

Revised expiry date 10 September 2021

Proposal: Demolition of existing building and erection of an apartment block containing 7 flats (6 x 2 bedroom & 1 X 3 bedroom) with basement car park and associated cycle parking, refuse storage facilities and amenity areas.

Location: Sunny Hatch, 91 Hitchen Hatch Lane, Sevenoaks KENT TN13 3BD

Ward(s): Sevenoaks Town & St Johns

Item for decision

Councillor Fleming has referred the application to Development Control Committee on grounds of impact on neighbouring amenity and access arrangements

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: 103-PD-03, 103-PD-04 and the Design & Access Statement received 01/07/2021 along with the amended plans 103-PD-01 REV G, 103-PD-02 REV E and 103-PD-05 REV B all received 14/09/2021.

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

3) No flat shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:

-planting plans - identifying existing planting, plants to be retained and new planting (including more planting to the north east of the site);

-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate); and

-a programme of implementation and protection of the proposed soft landscaping for a minimum of 5 years.

All hard and soft landscape works shall be carried out in accordance with the approved details and programme of implementation.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan and part H04 of the

Sevenoaks Residential Character Area Assessment.

4) The development hereby permitted shall not be used or occupied until the visibility splays shown on the approved site plan have been provided and anything which obstructs visibility at any height greater than one metre above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

5) No development above the damp proof course shall take place until details of the proposed traffic light system for the basement parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully operational prior to first occupation and retained thereafter.

In the interest of highway safety and to accord with policy T2 of the ADMP.

6) No development, including any works of demolition or preparation works prior to building operations, shall take place on site until a Construction and Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include details of: (a) Parking for vehicles and turning areas for construction and delivery vehicles and site personnel, operatives and visitors, (b) Loading and unloading of plant and materials, (c) Storage of plant and materials used in constructing the development, (d) Programme of works, (e) Provision of boundary security hoarding behind any visibility zones, (f) Wheel washing facilities, (g) Measures to control the emissions of dust and dirt during construction, (i) Hours of operation, (j) Temporary traffic management / signage, (k) Routing of construction and delivery vehicles to / from site, (L) Timing of deliveries. The development shall be carried out in accordance with the approved construction management plan and details.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan and the amenity of local residents in accordance with policy EN2 of the Sevenoaks Allocation and Development Management Plan.

7) The dwelling hereby permitted shall provide an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage prior to its first occupation and maintained thereafter.

To allow for the use of low carbon emission vehicles and to accord with policy T3 of the ADMP.

8) No development above damp proof course shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations

and Development Management Plan.

9) Notwithstanding the parking layout shown on drawing 103-PD-02 REV E, details of revised parking layout shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development above damp proof course.

To ensure suitable parking provisions are provided in accordance with policy T2 of the ADMP.

10) Prior to completion of the development a schedule of biodiversity enhancement that includes a plan showing their locations shall be submitted to and approved by the Local Planning Authority and completed in full prior to the occupation of the any dwelling hereby approved. The scheme shall be implemented in accordance with the approved details.

To provide opportunities to conserve and enhance biodiversity on the site, in accordance with Policy SP11 of the Core Strategy.

Informatives

- 1) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer
- 2) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
- 3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 5) It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.
- 6) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the

processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises of a detached two-storey property set back from the street and on a higher plot than the road. The property is constructed from brick with a tiled roof; it is currently obscured courtesy of the dense tree cover to the street front. It is accessed by a steep and curved driveway directly off Hitchen Hatch Lane, which is a straight residential road with a moderate to low level of traffic.
- 2 The property is located within an existing residential area with a number of flats in the local vicinity either already occupied or under construction, with the general design, scale and character of the local area being mixed and non-uniform. The application site is generously spaced away from neighbouring buildings and benefits from mature, dense vegetation to all borders. It is located within the Sevenoaks Urban Confines and is within walking distance to an abundance of services and provisions.

Description of proposal

- 3 The proposal is to demolish the existing property and constructed 7 flats within one apartment building. The flats will be set over 4 floors with an underground basement for vehicular parking. The proposed design is that of a hipped roof building with two main fronting gable projections and a smaller central gable projection for the hall and staircase.

Relevant planning history

- 4 There is no planning history at this site that is relevant to the current application.

Policies

- 5 National Planning Policy Framework (NPPF)
- 6 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 7 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

8 Core Strategy (CS)

- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP1 Design of New Development and Conservation

9 Allocations and Development Management Plan (ADMP)

- N1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Design of New Development and Conservation

10 Other:

- National Design Code

Constraints

11 The following constraints apply:

- Sevenoaks Urban Confines

Consultations

12 Sevenoaks Town Council

13 Recommend approval, though a proper landscaping plan will be required to replace some of the lost trees. It would be prudent for the developer to provide two visitor additional parking spaces for visitors.

14 Thames Water

15 No objection with regard to waste water or sewage treatment. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

- 16 Request for informatives - see full comments online.
- 17 KCC Highways
- 18 Following amended plans and additional information - Visibility splays have been illustrated. This is acceptable and should be conditioned appropriately.
- 19 Note that the access has been widened to 5 metres and, and the previously denoted parking space at the access has been removed. This enables two cars to pass at the access, should another be exiting the car park. The traffic light system is an appropriate method of managing the access, further details of which can be secured by condition.
- 20 Note comments regarding delivery vehicles and accept that deliveries can be accommodated on street.
- 21 A dedicated pedestrian footway has been included, which is acceptable.
- 22 Remaining concerns regarding the layout of the basement car parking, making movements extremely tight.
- 23 KCC Archaeology
- No comments to make.
- 24 SDC Arboriculture
- 25 There are no protected trees located at this property and it is not situated within a conservation area. Existing trees would not be considered to be worthy of protection due to their poor form or poor condition. This is unfortunate as those trees present provide effective screening for this property from the road and from the neighbouring properties. However, they are not of sufficient amenity value to prevent this development from proceeding. Should you be of a mind to grant consent I recommend that landscaping be a condition of consent being granted.

Representations

- 26 4 letters of objection have been received relating to the following issues:
- Loss of trees in an area where tree cover is characteristic.
 - Significant loss of trees.
 - The existing property is currently relatively unobtrusive. The proposed building will be 5 metres closer to the south boundary.
 - It will dominate and significantly overlook from the proposed balconies to the rear (south).
 - Impact on number 91A has been ignored in the Design and Access Statement.
 - Impact of noise from the use of the balconies.
 - Proposed tree to the southeast corner is too close to the boundary.
 - Nearest point of existing building is single storey. This will change to four storeys.

- 27 1 letter of support has been received relating to the following points:
- It is in keeping with the changing nature of the immediate vicinity, as a cluster of low rise, small and medium size apartment buildings.
 - Provides much needed housing within easy walking distance of both the station and town centre
 - Property sits nicely within the site and maintains an attractive streetscape

Chief Planning Officer's appraisal

- 28 The main planning consideration are:
- Principle of development
 - Design and impact on the character and appearance of the area
 - Impact on residential amenity
 - Arboriculture impact
 - Impact on highway safety and parking provision

Principle of the development

- 29 With regard to adopted policies within the Council's Development Plan, policy LO1 and LO2 of the Core Strategy outline that new development in the district will be focused within the built confines of existing settlements. With the primary focus for new development in the Sevenoaks urban area.
- 30 The application site is within the built confines of Sevenoaks, and as such, there is a presumption in favour of development. The development of this site would make a welcome, contribution to the housing provision within the district. The application site also located near an abundance of services and provisions making the location evermore sustainable.
- 31 It is recognised that the site is located within the built confines of Sevenoaks and it is clear that development plan policies seek to maximise the potential of such sites. It is especially important within Sevenoaks District where the majority of the District falls within the Green Belt. Moreover, the surrounding area is predominantly residential in character and there are other examples of flats in the local and immediate vicinity. This proposal is considered to be acceptable in land use terms provided the scheme complies with all other relevant development plan policies.
- 32 It should be noted that paragraph 11d of the NPPF and titled balance applies to this site when assessing residential schemes in urban locations.
- 33 *"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 34 Members will be able that be aware that our Local Plan is out of date for the most important policies that have (i.e., housing) and that we cannot demonstrate a five year housing supply. Therefore, the titled balance is engaged. In addition, under the Housing Delivery Test, as we only delivering 70% of our five year housing supply, we have now been placed in the bracket of a Presumption Authority. **Therefore, applications bringing forward residential development in urban locations, such as this site should be approved, even if some harm is identified.** Applications can only be refused if the harm is so significant and demonstrable that it would outweigh the benefits of delivering much needed housing. Therefore, as a matter of principle the proposed development is acceptable.
- 35 Policy SP7 of the Core Strategy is relevant to density and states that all new housing will be developed at a density consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The proposed development will result in a density of over 70 dwellings per hectare. The development makes efficient use of the land and its similar to that approved at 97 Hitchen Hatch Lane and the site opposite the application site. Therefore such density would not be harmful to the local area.

Design and impact on the character and appearance of the area

- 36 Policy EN1 of the Allocations and Development Management Plan (ADMP) is for general design principles, it requires proposed development to respond to the scale, height and materials of the area. The policy also outlines the requirement for suitable landscaping, crime prevention design and measures, suitable drainage measures.
- 37 Context
- 38 The application site comprises of a two storey mid-20th century building constructed from brick. It features a hipped roof with a front gable projection. The existing dwelling is not visible from the streetscene and neither detracts or adds to the character of the area.
- 39 The application site is surrounded by other residential uses, though they are mixed in size and form. To the south (rear) is a single storey L-shaped dwelling (no.91A) sited close to the border with the application site and its outdoor amenity space to the south side. Next to the application site resides number 93 which is a large dwelling seemingly constructed early to mid-20th century also. Further round Hitchen Hatch Lane, and to the other side of number 91A is number 97 which has been replaced by a set of flats, by the same developer as this application, of a similar design to the proposal at number 91. Then to the east side resides a large, squared footprint, building of Burlington Place which accommodates numerous flats. Lastly, opposite the application site resides a new flat development currently under construction.
- 40 The site falls within the Hitchen Hatch (H04) part of the Sevenoaks Residential Character Area Assessment (SRCAA). This outlines that the area is primarily made up of individually designed two storey properties that are setback from the road with vegetation screening the properties. It states

that new development should be setback from the street and should retain, or replace, vegetation.

41 Assessment

42 The proposal is for a four storey building to replace the existing dwelling on site. This building that will house 7 flats will be constructed from brick with a rendered centre. It features two main forward projecting gables with a narrower central projection for the stairwell. To the rear there will be a further two projecting gables containing balconies for the first, second and third floors. The building will feature a hipped roof design and will include an underground parking area.

43 The proposed building will be sited away from the street front and thus accords with the character of the area, as outlined in part H04 of the SRCAA. The form and scale is also reflective of other developments in the area and is comparatively small compared to Burlington Place. Despite the increase in the height, the proposed building will be no taller than the neighbouring buildings of number 93 and Burlington Place due to the siting within the terrain, the levelling of the plot and the fact these neighbouring plots are on a higher level. In terms of the design, the proposal is reflective of the area without being generic, it incorporates a simple form yet includes forward projections to add some visual character and ‘breaks up’ the massing through the use of a render inner section to the front. The proposed building includes a mix of traditional and more contemporary materials in a good balance that will retain the character of the area.

44 In terms of landscaping, part H04 of the SRCAA outlines that brick walled driveways have unduly urbanised the area and streetscene. The proposed development will not include any more hardstanding than necessary and seeks to utilise the existing access as much as possible whilst making it more useable through lessening the steep incline. As for the loss of natural screening proposed, this will be assessed later in the report.

45 In summary it is considered that the proposed development is reflective of the design, siting, scale and material palette of the area. Therefore, the proposal is considered to accord with policy EN1 of the ADMP.

Impact on residential amenity

46 The application site is within an existing residential area and has other properties and flats to either side and to the rear. Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, overlooking or loss of light.

47 The loss of privacy and overlooking is one of the main objections to the scheme. The Council does not have any specific local privacy standards or distances, set out in any local plan policy or supporting SPD. Historically we have used a distance of 21 metres, as a rule of thumb, from previous iterations of the Kent Design Guide dating back to the 1990s. However, the NPPF now requires use of the National Model Design Code where no local

design guide exists covering the relevant aspect. Therefore, we have to now use the National Model Design Code for assessing the impact of development on residential amenity in terms of potential loss of privacy and overlooking.

- 48 A number of objections have been received regarding the impact on neighbouring amenity particularly for number 91A. This property is a single storey L-shaped dwelling with an attached garage, number 91A sits on a lower plot than the application site and the border is delineated by dense trees and hedgerows. Number 91A has a small strip to the rear (north) of the dwelling between it and the application site with the garden area and the majority of the windows serving primary living spaces to the south side and away from the application site.
- 49 In terms of separation distances, the rear windows/balconies of the proposed development are approximately 10m away from the rear of number 91A. The rear of the neighbouring property contains a bathroom window, utility room and two windows serving a kitchen dinner. These ground floor windows exist face onto a small strip of land and the extensive hedging on the boundary. It is then approximately 23m to the garden area and primary habitable rooms on the other side of the dwelling. The National Model Design Code Guidance outlines separation distances of 15m to 20m for windows facing garden areas and/or primary habitable rooms i.e. a living room. In this case the separation distance to the outdoor amenity (garden) area is in excess of the minimum standard with the dwelling of number 91A obscuring the view as well.
- 50 The proximity to the rear (north) windows and the strip to the rear of number 91A is less than the recommended separation distances, however, all applications should be assessed on their own merits. In this case, the siting of number 91A at a noticeably lower level and the presence of mature screening (which can be bolstered/retained through conditions) ensures that it will not be possible to overlook these rear windows of number 91A. In fact, all that will be visible is the roof slope of the dwelling and little else. It is accepted there will be an increase in height and of course number of floors and understandably concerns have been raised regarding this. Nevertheless, due to the level change between the plots, and the acute angle from the upper floors down to the nearest part of the neighbouring dwelling, it will not be possible to overlook the occupiers and cause a loss of privacy. Therefore, it is considered that there will not be a significant loss of privacy or overlooking resulting to 91A.
- 51 Due to the orientation of number 91A and the siting of the proposed development to the north it is also considered that the development will not result in a loss of sunlight and daylight.
- 52 In summary, overlooking towards number 91A (if any) will be minimal and is not considered substantial or significant enough to warrant a refusal under paragraph 11d of the NPPF which is for the presumption of sustainable development.
- 53 With regard to overlooking of the other neighbouring properties, the application site is located between number 93 and Burlington Place. The

proposed building features one window per flat on each side and two for flat 7 on the top floor. The first-floor inter-window separation tonono.93 is approximately 16-17m. This is considered to fall within the National Model Design Code Guidance and is acceptable. As for Burlington Place the window to window distance being is approximately 14-15m. It should also be noted there is an abundance of screening from mature and dense vegetation both sides of the application site. Therefore, these distances are considered to preserve the amenity of neighbouring occupiers in accordance with policy EN2 of the ADMP and the National Model Design Code Guidance.

- 54 With relation to amenity for the proposed occupiers of the development, each flat receives natural light to every habitable room i.e. bedroom, kitchen and living room, and will allow for ample ventilation. The layout and orientation of the flats are considered acceptable and all meet the requirements of the nationally described space standards document.
- 55 In conclusion, the proposed development will protect neighbour amenity whilst allowing for suitable amenity of the proposed occupiers. The proposal is therefore considered to accord with policy EN2 of the Allocations and Development Management Plan as well as relevant material considerations including national space standards and National Design Code Guidance.

Arboriculture impact

- 56 Numerous comments have been received regarding the loss of trees and to an extent inappropriate siting of new trees. This has been reviewed and it is noted that the loss of trees is unfortunate as natural screening is characteristic of the area, as outlined in part H04 of the Sevenoaks Residential Character Area Assessment. The proposed trees to be removed are of little visual amenity value to the local area and were not considered sufficient quality to be protected by a tree preservation order. The tree officer raises no objection the extent of the tree loss, subject to replacement planting being secured and implemented. Consequently, a condition has been included for a comprehensive landscaping scheme, detailing the exact numbers, species and locations of all trees and hedgerows, as well bolstering up existing boundary treatment. The landscaping scheme to be submitted would supersede the suggested tree planting and therefore concerns over the proposed new planting can be controlled by condition.

Impact on highway safety and parking

- 57 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. The proposed development seeks to alter the existing steep access to the site by intermittently lowering the access via ramps to create a steadier level change. The proposal also seeks to construct a pedestrian access that is separate to the vehicular access. The parking area will be located in a basement under the proposed building.

- 58 In terms of highway safety, the developer has submitted amended plans to address comments from KCC Highways. These now detail visibility splays, a segregated pedestrian and vehicular access, surfacing materials and more details regarding the ramps. All of this has been reviewed by KCC Highways and their updated comments confirm the development will maintain highway safety for all users.
- 59 The underground parking includes 8 spaces, which for a 7 unit building in a town centre location is sufficient in accordance with Appendix 2 of the ADMP which requires one space per unit. The Parish Council outlined that two additional spaces for visitors would be useful, however, this is not considered necessary due to the accessibility of the site via means other than private cars and the presence of nearby car parks and designated on road parking on Hitchen Hatch Lane. KCC Highways still have concerns that the underground parking is tight and it appears that not all the space within the basement is being utilised, so a revised parking layout is being sought by condition.
- 60 Policy T3 also requires new development to include electric vehicle charging infrastructure, this has not been detailed currently and is therefore conditioned.
- 61 Overall, the proposed development is considered to accord with policy T2, and subject to conditions T3 as well. Consequently, the proposal will preserve highway safety for all users and will provide sufficient parking provisions.

Other issues

- 62 Thames Water has commented regarding use of public sewers and have requested an informative to be included on the decision notice.

Community Infrastructure Levy (CIL)

- 63 The proposal is CIL liable.

Conclusion

- 64 The proposal is considered acceptable in principle due to its compliance with policies LO1 and LO2 of the Core Strategy. Additionally, by virtue of its siting, design and use of sympathetic materials the development will preserve the character of the area and will accord with policy EN1 of the ADMP, Section 12 of the NPPF and part H04 of the Sevenoaks Residential Character Area Assessment. The proposal will maintain highway safety for all users and provides sufficient parking. It is considered that the development will result in limited harm to neighbour amenity and that it does not outweigh the presumption of sustainable development outlined in paragraph 11 of the NPPF. The development will contribute to the housing stock in the district and should be approved.
- 65 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s):

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[Link to application details:](#)

[Link to associated documents:](#)



