

4.1 20/03293/FUL

Date expired 16 February 2021

Proposal:

Demolition of the existing building and erection of two three storey blocks, two four storey blocks and, one five storey block totalling 56 residential units with associated landscaping, cycle storage, car parking, waste and recycling stores, and external lighting.

Location:

Pinehurst House Nursing Home, Pinehurst, Sevenoaks
KENT TN14 5AQ

Ward(s):

Sevenoaks Northern

Item for decision

Councillor Canet has referred this application to Development Control Committee to assess whether the proposal is over development of the site, out of scale with the residential character of the area and assess its impact upon highways/on-site parking provision.

RECOMMENDATION A: That the committee resolve to GRANT planning permission subject to:

a) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 30 April 2022, unless in accordance with a new timescale otherwise agreed in Writing by the Chief Officer for Planning and Regulatory Services.

The Section 106 Agreement shall include the following requirements:

- Highways Contributions/obligations comprising of:
 - Residential Travel Plan monitoring fee of £948;
 - Establishment and finance of a car club to serve occupiers of the development for a minimum of 3 years;
 - Contribution towards a Traffic Regulation Order (TRO) for yellow lines at the junction of Seal Road / Filmer Lane. Use best endeavours to provide a Traffic Regulation Order (TRO) to provide parking restrictions at the junction of Seal Road and Filmer Lane prior to first occupation.

b) The conditions set out below, subject to any minor changes to wording being agreed in writing by the Chief Officer for Planning and Regulatory Services:

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) Prior to the completion of the damp proof course, further details of the external finishes of the development hereby permitted shall be submitted to and approved by in writing by the local planning authority. The development shall accord with the approved details.

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.

3) The hard and soft landscaping details as shown on approved plan nos. N0704(08)020A, N0704(90)001A, N0704(96)001B shall be implemented prior to first occupation of the development hereby approved. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development (except for demolition) shall commence in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Sustainable Drainage Strategy report by Richard Jackson Associates November 2020. The submission will also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

5) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning

Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 168 of the National Planning Policy Framework.

6) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 5.43 of the Preliminary Ecological Appraisal (Greengage November 2020) and section 5 of the section 5 of the 'Badger Survey Report and Mitigation Strategy' (Greengage November 2020). The approved details will be implemented prior to first occupation of the development hereby approved and thereafter retained.

To ensure ecological net gains on site in accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 179 of the National Planning Policy Framework.

7) From commencement of works (including site clearance), all precautionary mitigation measures will be implemented in accordance with the details for the following: - For reptile mitigation - Sections 5.28 through to 5.31 of Preliminary Ecological Appraisal (Greengage November 2020);- For badger mitigation - Section 5 of the 'Badger Survey Report and Mitigation Strategy' (Greengage November 2020);- For bats mitigation - Sections 5.15 through to 5.33 of the bat emergence survey report (Greengage October 2020), unless varied by a European Protected Species licence subsequently issued by Natural England.

To ensure mitigation measures are implemented to protected existing habitats/species on site in accordance policy SP11 of the Sevenoaks District Council Core Strategy and paragraphs 179, 180 of the National Planning Policy Framework.

8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a Palaeolithic watching brief to be undertaken by an archaeologist familiar with Palaeolithic remains approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

To ensure that features of Palaeolithic archaeological interest are properly examined and recorded in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

9) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

10) Prior to the commencement of the development hereby approved including a demolition works a Construction Management Plan shall be submitted to and approved in writing by the local planning authority, the management plan shall include the following: (a) Routing of construction and delivery vehicles to / from site, (b) Parking and turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries, (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage, (f) Construction hours. The proposed development shall be carried out in accord with the approved management plan at all times.

In the interest of Highway Safety and neighbouring amenity in accord with policies EN2, EN7 and T1 of the Sevenoaks District Council Allocation and Development Management Plan.

11) No development shall commence until continuous ground gas monitoring results have been submitted to the Local Planning Authority for their review and approval. If the continuous ground gas monitoring indicates contamination then a detailed scheme of mitigation to prevent migration of ground gases by the provision of cut-off trenches or boundary gas venting, shall be submitted and approved in writing by the local planning authority, prior to the commencement of development. The development shall be carried out in accordance with the approved mitigation scheme or any later variation thereof approved by the local planning authority; After development commences, if any potentially contaminated flammable/toxic gas not previously identified is discovered or further gas mitigation is required, then a further assessment and mitigation/remediation strategy shall be submitted to and approved by in writing by the local planning authority. If no further contamination/gas migration is found then this should be detailed in a gas monitoring completion/verification report that shall be submitted and approved in writing by the local planning authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policies EN1, EN2 of the Sevenoaks Allocations and Development Management and paragraphs 183, 184 of the National Planning Policy Framework.

12) No development shall be carried out until detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policies EN1, EN2 of the Sevenoaks Allocations and Development Management and paragraphs 183, 184 of the National Planning Policy Framework.

13) Prior to first occupation of the development hereby approved a scheme to show the provision of electric vehicle charging points in excess of 15 charging units, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall all be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

14) The development hereby permitted shall not be occupied until the on-site bicycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

In accord with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

15) No development shall take place until a noise assessment has been undertaken to assess the impact of noise arising from the adjacent quarry site. An assessment together with any mitigation scheme recommended for protecting the proposed dwelling(s) from noise shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in

accordance with the approved details before any permitted dwelling is occupied unless an alternative period is otherwise agreed in writing by the local planning authority.

To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

16) The window(s) in the windows that serve the circulation cores and stairwells to the eastern facing elevations of blocks C and D of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of the occupants of adjoining properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, no development shall be carried out within Class A of Part 2 Schedule 2 of that Order (or any Order revoking and re-enacting that Order) (enclosures) other than that approved by virtue of the proposed development.

To safeguard the appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

18) A landscape management plan covering a period of no less than 5 years, including long term design objectives, management responsibilities, maintenance and inspection schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or in the opinion of the local planning authority become seriously damaged or diseased, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

19) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by the Local Planning Authority unless otherwise agreed within three months of the completion of the development hereby permitted.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

20) Prior to the completion of the damp proof course, further details of the proposed location, design and specification of the solar photovoltaic panels to be used within the development hereby approved shall have been submitted to

and approved in writing by the local planning authority.

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

21) Prior to the completion of the damp proof course of the development hereby permitted details of external lighting scheme has been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

In order to safeguard the amenities of the occupiers of neighbouring properties and visual amenity in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan

22) The development hereby permitted shall not be occupied until the storage facilities for bins and recycling shown on the approved plans have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.

In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

23) Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the local planning authority.

To protect the amenity of the occupants of nearby dwellings and to accord with policy EN1 of the Sevenoaks Allocation and Development Management Plan

24) The development shall be constructed to provide on-site modern communication and technology infrastructure, which should include Broadband, high speed internet cabling and digital TV cabling. Details relating to the provision of such infrastructure shall be submitted prior to the completion of the damp proof course of any phase of the development. No residential unit in any phase shall be occupied until the approved infrastructure has been provided in each relevant phase, or in accordance with an alternative timescale agreed by the Local Planning Authority as part of the approved details.

To provide high quality technological infrastructure in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

25) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Arboricultural Survey by Quaife Woodlands - AR/4020/jq dated 10/11/20 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas,

soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

26) Prior to the completion of the damp proof course of the development hereby permitted, a detailed Residential Travel Plan that details measures to be put in place for the development hereby approved shall be submitted to and approved in writing by the local planning authority. The detailed Travel Plan shall include reference to Travel Plan measures to be set out within the residents' welcome packs. The detailed Travel Plan for the development shall thereafter be carried out and operated as approved.

To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

27) The development hereby permitted shall be carried out in accordance with the following approved plans: N0704(08)020A, N0704(90)001A, N0704(96)001B, A-19238-P-00-200-B, A-19238-P-01-02-201-P1, A-19238-P-03-04-202-P1, A-19238-P-05-203-P1, A-19238-P-ML-240-P1, A-19238-P-ML-241-P1, A-19238-P-ML-242-P1, A-19238-P-ML-243-P1, A-19238-P-ML-244-P1, A-19238-P-ML-245-P1, A-19238-P-A-B-220-P1, A-19238-P-A-B-221-P1, A-19238-P-C-222-P1, A-19238-P-C-223-P1, A-19238-P-C-224-P1, A-19238-P-D-225-P1, A-19238-P-D-226-P1, A-19238-P-D-227-P1, A-19238-P-E-228-P1, A-19238-P-E-229-P1, A-19238-P-E-230-P1, A-19238-P-ML-300-P1, A-19238-P-ML-301-P1, A-19238-P-ML-302-P1, A-19238-P-ML-303-P1, A-19238-P-ML-304-P1, A-19238-P-ML-305-P1, A-19238-P-00-001.

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

Informatives

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

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

4) With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

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.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email:

developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) or write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

5) With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods of Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. A Piling Risk Assessment (PRA) is required to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near-surface pollutants migrating to underlying aquifers. The risk assessment must investigate whether the water environment source-pathway-receptor linkages exist. Further

guidance is available on the .gov web site.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005. 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Please note, the applicant should understand that works to re-profile, reuse, or add to historical deposited waste materials is likely to require an environmental permit for Deposit for Recovery or Disposal from the EA. There would be additional engineering requirements and financial provision associated with these permits and,

We cannot guarantee a permit would be granted for this setting until a formal application is submitted for pre-application determination. See the .gov.website for permitting requirements. <https://www.gov.uk/guidance/landfill-operatorsenvironmental-permits/deposit-waste-over-existing-waste-at-landfills-overtipping>.

6) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

RECOMMENDATION B: If the S106 legal agreement is not completed in accordance with the above recommendation (A), that planning permission be REFUSED on the following ground:

Without appropriate on-site parking provision to serve the development hereby permitted would lead to off-site roadside parking, that would lead conditions that are prejudicial to highway safety contrary to polices EN1 and T2 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 application site is located within a suburban area of Sevenoaks, located to the north of the A25, within a residential cul-de-sac. Immediately to the north of the site is Greatness quarry.
- 2 Within the site comprises of a 1 to 1.5 storey detached vacant building that was formerly used as nursing home with off-street parking provision. The building itself is sited within the bottom of a bowl feature whereby land level rises in a north, east and westerly directions. To the north is a mature woodland buffer strip that separates the quarry from the site.
- 3 The site is surrounded by tightly clustered 2/3 storey houses arranged around cul-de-sacs behind paved driveways and soft landscaping.
- 4 The curved street and trees prevent long views and the area has an inward looking residential character. The grassed open spaces, trees and shrubs provide interest in the predominantly brown townscape.
- 5 Access to the site is from Filmer Lane, off from the traffic lighted junction of Seal Hollow Road, and Seal Road (A25).
- 6 The site is within the urban area of Sevenoaks, and the former Nursing Home was built on a former landfill site.

Description of proposal

- 7 Demolition of existing building and erection of two three storey blocks, two four storey blocks and, one five storey block totalling 56 residential units with associated landscaping, cycle storage, car parking, waste and recycling stores, and external lighting.
- 8 The built form would be of a modular construction and therefore construction time would less if the development were to be constructed in a more conventional manner.

Relevant planning history

- 9 15/03342 - Installation of a free standing steel framed smoking shelter with polycarbonate roof and Perspex back panels on a concrete base - Granted
- 10 93/00599 - Use of upstairs room in nursing home as office for homecare employment agency - Refused
- 11 84/01332 - Erection of building comprising of a total care units for 30 elderly patients in need of high level of care, and including 2 flats for staff

accommodation, together with ancillary parking areas, garage and garden store - Withdrawn

- 12 83/00476 - Erection of a block of 12 flats for elderly persons provision of associated parking area and construction of vehicular access - Refused
- 13 83/1543C - Revised details of plots 16 17 and 18 pursuant to outline permission SE/83/1543 - Granted
- 14 83/01543B - Details of total care unit comprising 30 beds for the frail and elderly - Granted
- 15 83/01543A1 - Details of twenty detached houses and garages - Granted
- 16 83/01543 - Erection of 30 bed nursing home for the frail and elderly and 20 detached houses with garages and construction of estate road - Granted

Policies

- 17 National Planning Policy Framework (NPPF)
- 18 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.
- 19 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:
 - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - 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.
- 20 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 21 Core Strategy (CS)
 - SP1 Design of New Development and Conservation
 - LO1 Distribution of Development
 - LO2 Development in Sevenoaks Urban Area
 - SP3 Provision of Affordable Housing
 - SP5 Housing Size and Type
 - SP7 Density of Housing Development
 - SP11 Biodiversity
- 22 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN7 Noise Pollution
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

23 Other

- Sevenoaks Residential Character Assessment SPD - MO3
- Affordable Housing SPD update 2021
- National Planning Practice Guidance

Constraints

24 The following constraints apply:

- Adjacent 74/006/TPO
- Part of site within an Area of Archaeological Potential
- Water Source Protection Zone
- Former Landfill site

Consultations responses

25 Sevenoaks Town Council:

26 Recommends refusal as development is out-of-scale with the residential character assessment, over-development and inadequate parking provision and increased traffic generation.

27 Environment Agency:

28 “No objection providing the following conditions are imposed on any permission granted:

29 **Condition**

30 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

31 1) A preliminary risk assessment which has identified:

- a) all previous uses
- b) potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potentially unacceptable risks arising from contamination at the site.

- 32 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 33 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 34 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

35 **Condition**

36 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

37 **Reason(s)**

38 To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site is situated upon a Principal aquifer, within Source Protection Zone 2. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater.

39 Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To comply with the National Planning Policy Framework paragraph 170.

40 **Condition**

41 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with

and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

42 Reason(s)

43 To reduce risk to controlled waters. There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters. To comply with the National Planning Policy Framework paragraph 170.

44 **Condition**

45 The development hereby permitted shall not be commenced until such time as a scheme to connect the property to foul and or surface water drainage system has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

46 Reason(s)

47 To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by remobilised contaminants present in shallow soils/made ground in line with paragraph 170 of the National Planning Policy Framework

48 **Condition**

49 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

50 Reason(s)

51 To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.”

52 SDC Urban Design Officer:

53 “The proposed scheme intends to introduce a residential development of 56 flats which includes an internal courtyard with parking. The proposed scheme is an increase in bulk, massing and density from the surrounding context. The Design and Access Statement explains how the applicant has developed the design to optimise the potential of the site to accommodate a mix of development including the housing, parking and the amenity courtyard space (NPPF, para 127e). The layout of the buildings respond to

the topography of the site, which sits in a 'bowl' with the land increasing steeply to the west, north and east.

54 The existing buildings sit at the higher ground level along Filmer Lane to the west, and Pinehurst to the east. The proposed flat roof height of block D, which is the tallest part of the development at five storeys, sits 2.4 metres above the existing roof line of the housing along Filmer Lane. It is set back from the street at the south by approximately 50 metres which will reduce the dominance and prominence from the streetscape. The belt of mature trees to the north is a locally distinctive contextual feature of this area and should be maintained to enhance the verdant backdrop. The topography of the site rises steeply to the north of the site boundary by just over six metres from the ground floor of Block D. The submitted topographical study shows the ground and tree heights, and after comparing this with the arboricultural survey we are satisfied that the majority of the trees along this boundary will rise above the proposed roof line to retain this positive characteristic. The proposed roof line in the site section drawing has been taken from the flat roof section and not the ridge height of the gables, however we have accounted for this extra height in our assessment. There has been consideration to reduce the bulk and massing, for example, setting back the third storey of block A and B that fronts the streetscape and the use of projecting gables to articulate the roof form, which also responds more sensitively to the existing context. On balance, while the development is an increase in height, bulk and massing, it is considered that the approach is sympathetic to the both the landscape setting and the local character (NPPF para 127c).”

55 SDC Environmental Health Officer: No objection subject to conditions -

56 “Ground Contamination:

57 The applicant has proposed a possible condition to address our concerns-

58 The above scheme shall include additional investigation, continuous monitoring and assessment to confirm the extent of such ground gas emissions, and, if required, the further measures to be taken to avoid risk to the neighbouring residents when the site is developed.

59 Should such a risk be identified, development shall not commence until the measures approved in the scheme have been designed and implemented (notwithstanding those development activities required to install the approved measures themselves).

60 However, I believe this could be amended to-

61 In addition to the environmental works undertaken to date, a scheme to prevent migration of ground gases by the provision of cut-off trenches or boundary gas venting, (in addition to that presented by Richard Jackson Limited in their letter dated 9 July 2021). Development will not commence until the design and implementation proposal for the gas protection measures has been approved in writing by the local planning authority.

- 62 This condition does not necessarily require additional monitoring unless the design requires it and it ensures the pathway break to protect the adjacent residential properties. The implementation proposal can require the protection measures go in first or as part of the initial ground works and the information will also give you details on what the proposed measures will be incorporated and appearance when complete.
- 63 Air Quality:
- 64 Any vehicular travel associated with the development is likely to involve traversing air quality management areas, therefore I recommend the applicant be required to undertake a damage cost analysis and the applicant provide details of air pollution reduction or air quality improvement measures to the sum of the damage calculation due to the net zero aspirations of the district council and wider government policy.
- 65 Noise :
- 66 It is not clear that the noise assessment provide has accurately addressed the potential noise from the current quarrying activities to the North of the site for the upper floors of the development and therefore demonstrated the requirements of paragraph 187 of the National Planning Policy Framework.
- 67 As with the concerns over ground contamination, I believe any air quality and noise issues can be addressed by condition if you are minded to grant permission for the development.”
- 68 SDC Tree Officer:
- 69 “The applicant has proposed the maximum use of the land for building on. The proposals will necessitate the losses of an amount of trees which are mostly located on the southern and western areas of the site.
- 70 Whereas I can accept the losses of these trees. The extensive proposals leave very little space for substantial new tree planting. Not only are trees and soft landscaping shown to be removed. The potential for substantial tree growth by planting new trees will be lost. There is tree planting proposed which are mainly smaller ornamental varieties. Existing trees located on the top of the western bank offer some amenity value to the residents of Filmer Lane. The young trees located along the southern frontage provide a softening benefit to the street scene. The proposed planting upon the western bank should go someway to restoring amenity for the neighbours. I understand why the more substantial trees have not been chosen for the site frontage as they would be causing issues for the proposed residences.
- 71 There are however two locations along the frontage that could be planted up with larger type trees to negate the proposed losses and to provide greater benefit to the street scene. I suggest Liquidamber Styraciflua be planted at the south western point of the site to the rear of 18 Filmer Lane. I also suggest that the same be planted at the opposite frontage. This will then add structure to the frontage planting.

- 72 The existing trees to the rear are afforded protection under TPO 6 of 1974. I did not venture into this area, only viewed it from the footpath. I suggest that this area is assessed and any maintenance issues is carried out to ensure that these trees are retained in good order. I did note that Ivy management is required as it is in competition with the trees. I would not like to see these trees simply fenced off and ignored to decline.”
- 73 SDC Direct Services:
No objection to the scheme
- 74 KCC Highways:
- 75 “As previously noted, the site is located in a suburban location, but is within walking distance of primary and secondary schools, and public transport.
- 76 The potential of parking on Pinehurst is more of an amenity issue, as opposed to being able to maintain an objection in terms of highway safety. However, parking on Filmer Lane may create highway safety concerns due to the close proximity to Seal Road.
- 77 Therefore, I suggest a contribution towards a Traffic Regulation Order (TRO) for yellow lines at the junction of Seal Road I Filmer Lane by way of a 3rd party contribution. A contribution towards a TRO on Pinehurst may be appropriate, should parking become an issue in the future.
- 78 The application is seeking to provide a sustainable form of development, with an e-bike proposed for each residential unit. This represents an opportunity to provide links to the boundary of the Sevenoaks Quarry site and Greatness Park.
- 79 In line with the above, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:
- 80 Car Club
- 81 1. Prior to first occupation of any dwelling to liaise with a car club operator to establish a car club at the site to serve the development for a period of no less than 3 years and subject to the establishment of any car club to include the provision of 1 car with 1 parking space for use by that car club.
- 82 2. To pay for the cost of up to one membership per dwelling to the car club for 3 years from first occupation of that dwelling for a residential occupier of each dwelling in the development who holds a qualifying valid full driver's licence and who confirm to the developer that they wish to take membership of the car club.
- 83 3. To submit to the Council evidence of compliance with clause 2 annually from first occupation of the first dwelling for the first 3 years of the Car Club.
- 84 4. Every 6 months to provide marketing literature to all residential occupiers of the development publicising the car club and, in the case of

first occupiers of the dwellings, this marketing literature shall include incentive as detailed in clause 2.

85 5. Should the Car Club operator not be able to support the Car Club after the first 3 years, then the Developer will ensure that funding is able to support the Car Club for a further three years, six in total.

86 Residential Travel Plan

87 6. No less than 6 months prior to the occupation date to submit a Residential Travel Plan to the Council for approval.

88 7. To work in collaboration with the Council to conduct annual reviews of the car club utilisation levels and to provide a report to this effect every year to the Council's Travel Plan Officer for the first 3 years of the Car Club operation including proposals to improve car club uptake if such reports indicate that they are necessary.

89 8. Monitoring of any parking on Pinehurst with a future contribution towards a TRO.

90 9. Submission and approval of a Car Parking Management Plan prior to first occupation.

91 10. The applicant shall use best endeavours to provide a Traffic Regulation Order (TRO) to provide parking restrictions at the junction of Seal Road and Filmer Lane prior to first occupation.

92 11. Submission of a Construction Management Plan before the commencement of any development on site to include the following:

(a) Routing of construction and delivery vehicles to I from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management/signage”

93 KCC Local Lead Flood Authority:

94 “We do not have any objection to the proposed drainage strategy. Should your local authority be minded to grant permission for this development, we would recommend the following conditions:

95 **Condition**

96 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on Flood Risk Assessment prepared by Herrington

(September 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed off without increase to flood risk on or off-site.

97 The drainage scheme shall also demonstrate (with reference to published guidance):

a) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

b) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

98 Reason

99 To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

100 Condition

101 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

102 Reason

103 To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.”

- 104 KCC Ecology:
No objection, recommend conditions relating to proposed mitigation measures and ecological enhancements.
- 105 KCC Archaeology:
The site is located within an area of medium potential for Palaeolithic remains. In view of the archaeological potential, a watching brief condition recommended.
- 106 Thames Water:
Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Recommend informatives.
- 107 South East Water:
No response.
- 108 NHS West Kent:
No response.
- 109 Kent County Council Economic Development:
Request for funds - please see online document. Request for condition relating to high-speed broadband.
- 110 Kent Police - Designing out Crime Design:
Recommend that the development should conform to secure by design initiative.

Representations

111 We received 202 written representations objecting to the proposal:

- Highway Safety;
- Traffic Congestion;
- Out of character;
- Insufficient Infrastructure;
- Overdevelopment of the site;
- Public relations campaign;
- Party Wall Act applies;
- Inaccurate view of the development;
- Increased pollution;
- No affordable housing;
- Insufficient parking;
- Pollution risk to surrounding properties;
- Loss of green space;

- Management of construction during development;
- Inadequate public consultation;
- Drainage issues;
- Inappropriate scale and mass;
- Lack of school spaces;
- Dominant form of development;
- Loss of privacy;
- Affect property prices;
- Sets a precedent;
- Rights to light;
- Impact upon wildlife;
- Existing covenants;
- Density too high;
- Gas escapement;
- Covid- 19 and lockdown prevented consultation.

112 We received 45 written representations supporting the proposal and 1 rebuttal letter from planning agent.

Chief Planning Officer's appraisal

113 The main planning considerations are:

- Principal of Development
- Contamination
- Housing Size and Type
- Density
- Impact to the design and character of the area
- Impact to amenity
- Impact to Highways and Parking
- Impact to Trees and Landscaping
- Impact to Biodiversity
- Air Quality
- Drainage and Flooding
- Affordable Housing
- Area of Archaeological Potential
- Tilted Balance
- Community Infrastructure Levy
- Other Issues

Principal of Development

114 As set out in Section 36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For Sevenoaks, the Development Plan is made up of the Core Strategy (CS) and Allocations and Development Management DPD (ADMP). National Planning Policies, such as those contained in the National Planning Policy Framework (NPPF) are material considerations.

- 115 This application proposes 56 residential units, which would make a positive valued contribution to the District's Housing Stock.
- 116 The adopted Sevenoaks Core Strategy and ADMP planned for the delivery of 3,300 homes over the period 2006 to 2026 with the main site allocations being located around the urban areas of the District and on brownfield land.
- 117 Paragraphs 74 - 76 of the NPPF require the Council to identify a five-year supply of deliverable housing sites, including an appropriate buffer. As the result of the Housing Delivery Test for 2020 was 70%, the NPPF considers this as a significant under delivery of housing over the previous 3 years, and requires the application of a 20% buffer in line with para 74c). Furthermore, as the Core Strategy (2011) policies are more than five years old, the standard method figure for housing need must be used in place of adopting housing requirement for calculating the five-year housing supply. As a result of these factors the Council cannot currently demonstrate a five year housing land supply.
- 118 As acknowledged in the Council's Housing Delivery Test Action Plan, the five-year housing land supply calculation finds 2.9 years of supply of deliverable housing sites including a 20% buffer. Therefore, the lack of five-year housing supply is a significant consideration that the Council will have to balance with this application.
- 119 As the Council cannot demonstrate a five-year housing land supply at this time, it is considered appropriate and welcome that the site accommodates a number of dwellings to meet the Council's needs, subject to the other policy considerations discussed in turn below.
- 120 The implications of the 'tilted balance' described in paragraph 11 of the NPPF is discussed above, whilst we will consider the balance of the case later on within the report.
- 121 Paragraph 124 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 122 The National Planning Policy Framework defines previously developed land as:
- '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'.*
- 123 The application site currently resides a one and half storey building with associated hardstanding. The site is considered to represent previously developed land. Due to the location, development is required by the NPPF to make efficient use of said land.

- 124 Policy LO1 of the Sevenoaks District Council Core Strategy (CS) states that development will be focused within the built confines of existing settlements. The policy continues to state that Sevenoaks urban area, which includes Sevenoaks town centre, will be the principal focus for development in the District.
- 125 It's 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. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.
- 126 The application site is located in Sevenoaks, which is considered a sustainable location for development. The proximity to local shops, services and transport hubs including the bus stop and main line rail station reduce reliance on vehicles.
- 127 The proposal would provide new residential accommodation providing 56 units. The main existing land uses comprise of C3 properties and the area is predominately residential. The former Nursing Home (C2 use) has been vacant for a while and the former operator relocated the occupants elsewhere within their portfolio. In terms of the mix and balance of housing in the area, the change of use of the site from a nursing home to C3 residential use does not fundamentally change the balance of housing of provision of C3 and nursing homes. It is noted that there is deficiency and need for both types of housing accommodation in the District so the loss of one type of accommodation would lead to a net gain of the other. Therefore the overall balance of housing provision within the District would not be materially harmed by this proposal.

Contamination issues

- 128 As previously mentioned the site formed part of a former landfill site. Both Environment Agency and the Councils Environmental Health team have been consulted with regard to the risk of groundwater contamination and gas escapement from the former landfill as a result of the future re-development of the site.
- 129 In accordance with National Planning Practice Guidance which states:
- “Responsibility for securing a safe development rests with the developer and/or landowner. However, local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.*
- Local planning authorities should work with applicants to find acceptable ways forward if there are concerns about land contamination...”*
- (Paragraph: 009 Reference ID: 33-009-20190722)
- 130 This has resulted in the applicant undertaking further detailed investigations as a result and in particular further gas monitoring within the site.

- 131 The principle risk arises because of the potential for ground gas to migrate to the proposed dwellings and that upon the existing surrounding residential development and how this may impact on the living conditions of the future/existing occupiers. The Environment Agency and the Council's Environmental Health and the applicant accepts that appropriate gas protection measures would be needed for the proposed development to take place. It is not therefore a matter of contention that ground gas has the potential to effect the proposal and that such measures are required as mitigation. Clearly, the necessary precautions would be required to remediation and protection measures to ensure that the proposal could proceed safely. However, this would not appear to be a situation where it would rule out the proposal, subject to the imposition of planning condition(s) concerning ground gas monitoring and the related gas protection measures.
- 132 The site is near to a principal aquifer which is used for water abstraction. In light of the site being a former landfill site, there is a potential risk of pollution. In terms of the risk of re-developing on this site, the Environment Agency is satisfied, subject to imposition of condition(s), the safeguards to be implemented, would limit the risk on contaminates polluting the aquifer.
- 133 With this in mind it can be concluded that the proposal would not have an unacceptable effect on the public health of the future occupiers of the proposed dwellings and surrounding development with regard to land contamination. As a result, it would comply with paragraphs 183 and 185 of the NPPF where it concerns land that is affected by contamination and matters in relation to identifying the risk and remediation, ensuring that a site is suitable for its proposed use taking account of ground conditions, and the likely effects on health and living conditions.
- 134 Therefore, the principle of the redevelopment of this brownfield site is acceptable in line with policy LO1 of the Sevenoaks Core Strategy and NPPF.

Housing size and Type

- 135 Policy SP5 of the Core Strategy states that the council will expect new development to contribute to a mix of different housing types in residential areas, taking into account of specific local circumstances. The policy guidance indicates that the Strategic Housing Market Assessment (SHMA) recommends the following targets:
- 20% - 1 bedroom
 - 30% - 2 bedroom
 - 35% - 3 bedroom
 - 15% - 4 bedroom
- 136 The guidance states that an average of 50% 2 bedroom units across all developments. The proposal seeks the creation of 56 residential units. These would be broken down into:
- 28 x 1 bedrooms
 - 5 x 2 bedrooms, 3 person units
 - 23 x 2 bedrooms 4 person units

- 137 The proposal would meet 50% of all units comprising 2 bedrooms. The proposal would provide an elevated number of 1 bedroom properties, however, the policy applies generally across the district. In this instance the development would be located in the urban area with links to public transport and the provision of 1 bedroom properties would be appropriate to the location.
- 138 The proposal would overall reflect the housing size and type required by policy SP5 of the Core Strategy.
- 139 Overall, the proposal would seek the redevelopment of previously developed land this urban area location. The housing type reflects the requirements of the District.
- 140 The proposed development would be considered principally acceptable, subject to other material planning considerations against policies LO1 and LO2 of the Core Strategy.

Density

- 141 Policy SP7 of the ADMP states that new housing will be developed at a density that is consistent with achieving good design. The policy states that within Sevenoaks town centre new residential development would be expected to achieve a density of 40 dwellings per hectares (dph). The policy recognises that development that fails to make efficient use of land for housing may be refused permission.
- 142 The density figure of 40dph is a base line figure i.e. development should at least meet 40dph as a minimum. Density of development calculations do not always illustrate the formation of a development. Density is not a proxy for well-designed buildings and functional open spaces. Flatted development clearly will have a greater density than detached properties.
- 143 The key test of policy SP7 is how the proposal would perform against design criteria and impact on the character of the area, rather than how the development performs against the density figure. Efficient use of land in urban environments is a key planning principle utilised to protect the countryside, including the 93% Green Belt that covers Sevenoaks District. Increased densities are therefore a requirement in the Districts urban areas.
- 144 Paragraph 125 of the National Planning Policy which postdates policy SP7 of the CS is clear that:
- ‘....Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site’.*
- 145 The proposed development would result in an approximate density figure of 81dph. Against the design criteria the proposal is considered of good quality design and as such the density is considered appropriate for this location.

The density provides additional housing in a sustainable location. The proposed density ensures a high density in accord with the Districts aims of protecting the high value countryside.

- 146 It should be noted that in more recent developments, such as the Berkeley development (14/02075/FUL - allowed at appeal) along London Road achieved an appropriate density of 182dph for 60 units. This demonstrates that density levels can appropriately be higher and achieve well designed buildings that make efficient use of land.

Design and impact on the character of the area

- 147 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.
- 148 As mentioned previously the existing topography of the site is the way the sloping terrain to the east, west and most notably to the north, rises markedly to the extent that the houses at the end of Filmer Lane (West) and Pinehurst (East) sit at a much higher level than the Nursing Home, effectively creating a bowl, with the Nursing Home sitting in the bottom.
- 149 This natural 'bowl' affords opportunities to position significant massing in the centre and rear of the site without impacting on the surrounding residential dwellings.
- 150 The massing to the streetscene of Pinehurst naturally needs to respond more to the grouped clusters of pitched roofed dwellings that line the southern side of the road.
- 151 This has resulted in a massing strategy with a built form starting with 3 storey discreet blocks to the southern perimeter to Pinehurst, with 4 storey blocks defining a new courtyard behind with a 5 storey block forming the backdrop in front of the existing tree bank which continues to rise above it.
- 152 The surrounding existing buildings sit at the higher ground level along Filmer Lane to the west, and Pinehurst to the east. The proposed flat roof height of block D, which is the tallest part of the development at five storeys, sits 2.4 metres above the existing roof line of the housing along Filmer Lane. It is set back from the street at the south by approximately 50 metres which will reduce the dominance and prominence from the streetscape. The belt of mature trees to the north is a locally distinctive contextual feature of this area and will be retained to provide a verdant backdrop.
- 153 The topography of the site rises steeply to the north of the site boundary by just over six metres from the ground floor of Block D. The submitted topographical study shows the ground and tree heights, and after comparing this with the arboricultural survey, the majority of the trees along this boundary will rise above the proposed roof line to retain this positive characteristic.
- 154 There has been consideration to reduce the bulk and massing, for example, setting back the third storey of block A and B that fronts the streetscape

and the use of projecting gables to articulate the roof form, which also responds more sensitively to the existing context.

- 155 The development would use a palette of materials that would be suited and sympathise with the existing surrounding development. This together with the use of brick textures and banding and the use of zinc cladding, breaks up the massing of the development as a whole. The development itself transitions from 3 storeys to the frontage of Pinehurst to 5 storeys to the rear northernmost end, to which from the Pinehurst frontage, the five storey block would be mostly obscured in view by intervening blocks of development to the front of the site and would only be seen in glimpses, from certain public vantage points. In this respect, the five storey block would not appear as an overly dominant feature.
- 156 The submitted Landscape Visual Impact Assessment (LVIA) also confirms that the 3-5 storey development would not visually encroach onto the surrounding countryside to the north, as the site itself is visually contained with a clear defensible boundaries.
- 157 At the heart of the development is a communal courtyard garden for the use of the residents. The sculptural form of multi-stem trees provides seasonal interest and, together with low evergreen hedgerow, zones the space and provides structure. Further planting, incorporating ornamental grasses and perennials acts as a foil to the hedgerow, running in swathes through the courtyard. The incorporation of sensitive lighting to the courtyard landscape will ensure that this space provides a visually attractive focus from the dwellings. Benches and timber shade structures provide opportunities for gathering or quiet contemplation.
- 158 At the front of the building, the design takes its cue from the open nature of the surrounding residential plots, incorporating shrubs and compact canopy trees to create texture and defensible space, where required, to dwelling frontages. The established cedar and beech trees to the south west corner of the site are a strong landscape features and will be retained. Grassland on the site will be enhanced with naturalised bulbs.
- 159 The incorporation of native under-storey shrubs to the rear of the site acts as a buffer to the protected trees and woodland beyond and increases bio-diversity in this area.
- 160 The car park areas will be surfaced with permeable pavers and the face of contiguous piling structure screened and softened with the application of ivy screens. Robust and low maintenance shrubs to the east and west boundary will help screen views of the development from neighbouring properties.
- 161 SDC Urban Design Officer raises no objection to the proposal.
- 162 On balance, while the development is an increase in height, bulk and massing, it is considered that the approach is sympathetic to the both the landscape setting and the local character, whilst making efficient use of this brownfield site as required by the NPPF. This development would accord to policy EN1 of the ADMP and SP1 of the Core Strategy.

Impact to Amenity

- 163 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 164 The applicant submitted a Daylight & Sunlight amenity study as part of the submission. The assessment was conducted in accord with the BRE 'Building Research Establishment's Report 209 - "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice". Policy EN2 of the ADMP seeks to ensure that an unacceptable loss of light does not occur to the occupiers of nearby properties. The policy does not make specific reference to BRE guidance although reference is made within the Sevenoaks Residential Extensions SPD. BRE guidance is utilised as a standard for such assessment.
- 165 The daylight and sunlight analysis indicates that there will be no impact on the surrounding properties arising from the proposed development. The results of the analysis [Sections 5.1-5.3] show that the neighbours properties satisfy the target requirements of the BRE Guide in terms of daylight and sunlight in the proposed situation with no significant adverse material effect, as the angle to sky 25 degree component from the horizontal is not broken as the proposed built form is lower than the 25 degree component. Further to this, results also show that existing open spaces are not overshadowed by the proposed development and as such the existing amenities of the surrounding properties is preserved, despite the objections raised by third parties.
- 166 The Average Daylight Factor (ADF) for the internal spaces of the proposed development has also been carried out as part of this assessment. The analysis concludes that the daylight within the majority of the proposed habitable rooms is adequate and exceed the target criteria set within the appropriate standards.
- 167 Overall, the proposed development at Pinehurst, Sevenoaks complies with BRE Guidelines and will not cause impact to daylight and sunlight access for the surrounding buildings and the amenity space within its vicinity.
- 168 It is important to reflect on paragraph 125 (c) of the NPPF
'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.
- 169 The proposal would make efficient use of land for development in the District. The proposal has been considered to have an acceptable impact to daylight/sunlight which retains a good degree of amenity for this location.
- 170 Privacy:

- 171 As a general rule a distance in excess of 21m is considered sufficient to prevent significant loss of amenity. The introduction of National Design Code Model reduces the distance to 15m to 20m for back to back properties, whilst only requiring 10m between flank and rear/front elevations.
- 172 The direct views of the site from external neighbouring properties in close proximity would be mainly from those to the east and south of the site. The views would retain sufficient distance for direct window to window observation to prevent significant privacy issues and exceed the required distances. However it is considered that the windows that serve the circulation cores and stairwells to the eastern elevations of blocks C and D should be obscure glazed. This can be achieved by condition. Overall, the proposals degree of retain privacy would be considered acceptable for this location.
- 173 Outlook:
- 174 Planning permission cannot take into account views, as there is no legal right to view. Views of a development are not tantamount to amenity issues. However, policy EN2 does seek to ensure the development does not result in significant visual intrusion or loss of outlook to neighbouring residential properties. Views of the proposed development would be visible from both Pinehurst and to a lesser degree from Filmer Lane due to land level changes and intervening built form.
- 175 The separation distance ranges from approximately 31m to the rear elevation No. 3 Pinehurst to 25m to the rear of No.1 Pinehurst. The closest point of the development would be approximately 20m to the front elevation of No. 14 Pinehurst. The distances, land level changes and road intersection would mean while the development would be visible it would not significantly impede outlook.
- 176 The development would also be visible from Filmer Lane, again the distance and oblique relationship between the residential units and the proposal would not result in significant visual intrusion.
- 177 Overall, the proposal is not considered to result in significant visual intrusion to neighbouring amenity.
- 178 *Proposed amenity for future residents*
- 179 Daylight/sunlight:
- 180 Again paragraph 125(c) of the NPPF must be considered when considering the proposed light values for the development.
- 181 All the residential units proposed would meet or exceed the minimum space standards with 86% of the residential units being dual aspect.
- 182 The analysis shows that the proposed development would provide either expected or above daylight and sunlight to habitable spaces across the development.

183 Privacy:

The balconies of the proposed units are inset features and therefore no privacy screens would be required and that they would only overlook into the inner courtyard of the development.

184 Outlook:

The local authority has no specific minimum standards relating to outlook for proposed dwellings. The NPPF acknowledges that a flexible approach must be taken when efficient use of land is required in conjunction with housing provision. A good standard of outlook is achieved on the site balanced with the requirement for efficient use of land, quality of design and open space.

185 Amenity Space:

A number of the proposed flats would have balconies to act as added amenity space. Further, an open communal space would be located centrally within the development itself. The space would provide a 'pocket'/courtyard style of amenity space and would be subject to soft planting and open seating.

186 Noise:

The Environmental Health Officer has concerns with regard to the submitted Noise Assessment. The Environmental Health Officer has acknowledged the response and feels the concerns raised can be dealt with via the imposition of an appropriate condition.

187 Summary:

Overall, the proposed development would retain good amenity for residents given the context of the site and flexibility of policy in regard to these matters. The proposal would provide amenity spaces and level accommodation that would be acceptable. Conditions would be applied to any grant of consent with regard to noise and privacy issues.

188 The proposal would comply with policy EN2 of the ADMP.

Parking and Highways Impact

189 Policy T1 of the Allocations and Development Management Plan states that new development will be required to mitigate any adverse impacts that could result from the proposal.

190 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with KCC vehicle parking standards. However, the policy does allow the Council to depart from established minima or maxima standards in taking account of specific local circumstances.

- 191 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.
- 192 Paragraph 111 of the National Planning Policy Framework states that:
‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.
- 193 Traffic Assessment:
- 194 The junction of Filmer Lane and Seal Road has been assessed considering traffic flows and local development, including the developments of Trinity School expansion. The school expansion would have a wider impact on the AM peak. The data has been obtained from the Trinity School expansion application (LPA ref: KCC/SE/0095/2018). Although this assessment took place prior to the controlled pedestrian crossing which was implemented in 2020.
- 195 KCC Highways consider that the proposed development would not development would not have a severe impact on the operation and capacity of junction of Filmer Lane and Seal Road taking into account the expansion of Trinity School developments.
- 196 Vehicle parking:
- 197 The KCC Highways Officer notes that the Kent Design Interim Guidance Note 3 (IGN3) outlines a maximum standard of 1 space per unit for flat developments in this location.
- 198 The site is located on the edge of town centre location and near to local amenity provisions, shops and services. The site is also located in close proximity to the local bus station and stops. The proposal would also be within walking distance of the main line train station to the west of the site.
- 199 The proposal seeks to provide 60 car parking spaces for the proposed residential accommodation (which includes 9 visitor spaces and a single space for the car club). The development would provide 56 residential units. It is acknowledged that the car parking provision does conform to relevant car parking standards. KCC Highway Officer raises no objection to this element of the proposal.
- 200 To mitigate for the degree of parking and reducing the reliance of car ownership, a car club has been proposed which the Highway Officer considers acceptable and should be secured via the Section 106 Agreement.
- 201 In addition to the above, KCC Highways has also recommended the use of a car park management scheme and the adoption of a residents travel plan to promote of sustainable modes of transportation and reduce the reliance of the motor car. This travel plan can be secured by condition and s106. The adopted travel plan would be monitored by KCC and a monitoring fee has been requested.

- 202 It has been noted that there are no parking restrictions along Filmer Lane, and at the junction with Seal Road. From third party representation there are current issues with current parking on the west side of Filmer Lane, which blocks Filmer Lane for vehicles exiting the junction, and causes traffic to stop onto Seal Road. As such, KCC Highways have recommended that a small section of double yellow lines, which would enable vehicles to turn into Filmer Lane from Seal Road. This could be implemented through a S106 contribution for a Traffic Regulation Order (TRO) and would prevent any further disruption at the junction and any overspill parking issues.
- 203 Cycle parking:
- 204 The application is seeking to provide a sustainable form of development, with an e-bike proposed for each residential unit.
- 205 SPG4 requires a minimum of 1 cycle space per unit for flats. The proposal would provide cycle spaces which would exceed the minimum requirements of the policy. The proposed development would secure sufficient cycle provision. A condition would be attached to any consent to ensure the cycle parking provision.
- 206 Therefore, whilst the car parking provision is design for sustainable location, the scheme will exceed its cycle provision and provide alternative modes of movement.
- 207 Electric Charging provision:
- Policy T3 of the ADMP seeks electric vehicle charging provision to be present in new development. The proposal seeks to provide 15 charging points for residents with the provision of further infrastructure in place for the number of charging points to be expanded at a future date. The charging provision can be secured by planning condition and would comply with Policy T3 of the ADMP.
- 208 Construction phase:
- The Highways Officer has recommended that the proposal is conditioned to provide a Construction Management Plan to limit the impact on the highway during the construction process. Planning cannot prevent development on construction grounds, planning is only able to consider development once in situ. A condition would be applied to any grant of consent.
- 209 Waste and refuse collection:
- Sevenoaks Direct Services have commented on the proposal and has raised no objection to the proposal.
- 210 Summary:
- 211 Paragraph 111 of the NPPF is clear that development should not be prevented on highway grounds unless the impact is severe. The proposal would not result in a severe impact and would have an acceptable overall impact on the junctions and highway network.

- 212 The KCC Highways Officer has raised no objection to the proposal subject to conditions and agreed terms of s106. The proposal is considered to comply with highways and parking policies EN1, T1, T2 and T3 of the ADMP, subject to condition and completion of an s106 agreement.

Trees and Landscaping

- 213 Currently the site is subject to limited landscaping with some trees appearing sporadically on and round the site. However to the northern boundary of the site, borders onto a tree buffer that is protected by a woodland Tree Preservation Order (TPO). The illustrative landscape master plan shows the proposed planting in and around the site and especially the retention of the trees to the northern section of the site that adds considerably to the visual amenity of the area.
- 214 'Pocket' green/Courtyard space would be located centrally within the development to provide additional amenity space. This also allows for additional soft landscaping. Although not in direct public view, the space would add to the quality and verdant character of the proposal.
- 215 Of the 55 trees surveyed on site, 27 trees are proposed to be removed of which most of them are within the south portion of the site and most of them are of 'C' category trees (low amenity value). The Tree Officer has not offered any objection to the loss of the trees.
- 216 Soft landscaping also forms part of the proposed landscaping which also include native species planting. Given the existing degree of hardstanding the landscaping treatments proposed would assist in softening the appearance of the development and public experience of the area.
- 217 Whilst there is a loss of some trees, the proposed landscaping is considered to soften the visual impact of the development and seeks to retain the visually important trees within the site without compromising those protected by an existing TPO. The scheme would comply with policy EN1 of the ADMP.

Biodiversity

- 218 At a local level policy SP11 of the Core Strategy seeks to ensure that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The NPPF (paragraph 180) also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value.
- 219 Paragraph 179(b) states that decisions should minimise impacts on and provide net gains for biodiversity.
- 220 Ecological surveys have been carried out and identified the following:
- Two species of bats within the building/on-site for foraging/commuting and roosting;
 - Suitable habitat for reptiles;

- An outlier badger sett.
 - Breeding birds.
- 221 A Preliminary Ecological Appraisal (PEA) has submitted as part of the application together with further surveys and proposed mitigation measures, conducted by a qualified Ecologist.
- 222 A bat roost is known to be within the roof of the existing building. In accordance with the Habitats Directive it must be considered if an European Protection Species Mitigation Licence from Natural England would be granted. The test is formed of three parts and KCC Ecology are satisfied that that the third part of the test has been satisfied.
- 223 In regard to the first two parts of the test the proposal is considered compliant with local and national planning policy and would result in the provision of additional housing in accordance with the aims of the NPPF. In regard, to the second part of the test mitigation and compensatory measures have been proposed. The local authority is satisfied that the three parts of the test have been provided.
- 224 The ecological appraisal states that suitable reptile habitat is present on-site and outlier badger sett could be impacted by the development. As such, precautionary mitigation measures are proposed and can be secured by planning condition.
- 225 An informative has been recommended by KCC Ecology to advise the applicant of the legalisation surrounding breeding birds. An informative as a posed to a condition is considered acceptable as the applicant would be required to ensure no breeding birds are present upon commencement of demolition in accord with the legislation.
- 226 Paragraph 180 of the National Planning Policy Framework encourages enhancements to biodiversity. To ensure that a net gain occurs on site a condition for ecological enhancements, as advised by KCC Ecology, would be applied to any grant of consent.
- 227 The proposal is considered to have an acceptable ecological impact subject to conditions and informative as suggested above. The proposal is considered to comply with policy SP11 of the Core Strategy and paragraph 180 of the NPPF.

Air quality

- 228 Policy SP2 states that the design and location of new development will take account of the need to improve air quality. The site is near to the Air Quality Management Area along Seal Rd.
- 229 The applicant submitted an Air Quality Assessment. The assessment recognises that the construction works would have the potential to create dust emission. Mitigation measures would be required to mitigate this impact which could be secured via condition.

- 230 Post occupation the site is considered to have acceptable air quality standards. The assessment identified that pollutant concentrations would be below the objectives at all existing receptors along the local road network. The assessment concluded that the overall operational air quality effects of the proposed development are judged to be 'not significant'.
- 231 The Environmental Health/Air Quality Officer considers that to some degree the proposal would have an impact on air quality. The Officer has recommended that a DEFRA Air Quality Damage Cost Analysis is undertaken to secure monies for ensure improvement scheme to be made to the AQMA as the site will involve additional traffic generation. Consideration has been given to this, however as SDC Air Quality Action Plan was adopted in 2009 and does not identify any specific funding schemes or clear strategy on how developer contributions would be spent (as a result from cost damage analysis, it fails to meet the test of 'need' in relation to Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as amended. That said, even though the submitted an Air Quality Assessment states the vehicle emissions would not have a detrimental impact upon the AQMA, they have proposed the following mitigation measures being -
- Provision of 15 electrical vehicle-charging points with infrastructure provided to allow future provision/expansion;
 - Creation of a car club for a minimum of 3 years to benefit future occupiers;
 - Residential travel plan to reduce the reliance of car travel;
 - Cycle provision and on-site cycle storage facilities;
 - Introduction of further landscaping within the site
- 232 In light of the above and that the mitigation measures proposed are considered to be sufficient, it is found that there is no basis to find a need for such a payment to address air quality. As such, it is considered that the absence of such monies delivered by damage cost approach, together with the mitigation measures proposed, it would be very difficult to sustain a reason refuse or object to the scheme, in this instance. The mitigation measure proposed can be secured by either planning conditions or by s106 obligations and as such would comply with paragraph 186 of the NPPF.

Drainage and Flooding

- 233 The application site is not located in flood zone 2 and 3.
- 234 As part of the proposal the applicant has submitted a Site Specific Flood Risk and Drainage Assessment (Richard Jackson, November 2020). The proposal aims to manage the Surface Water Drainage through the existing sewer network to which Thames Water has raised no objection to and have recommended informatives.
- 235 To complement the proposed drainage systems permeable paving and resin bound surfacing would be predominately used in the car parking and courtyard areas. Soft landscaping has also been proposed across the site to aid in reducing surface water run-off.

- 236 KCC Lead Flood Authority have raised no objection to the development subject to the imposition of conditions relating to further details of a sustainable surface drainage system being incorporated into the development.

Affordable Housing

- 237 Policy SP3 of the Core Strategy states that the Council expects the provision of affordable housing in all types of residential development. The policy considers that in all residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable.

- 238 The proposal does not seek the provision of affordable housing units. The proposal would not comply with policy SP3 of the Core Strategy. However, paragraph 58 of the National Planning Policy Framework allows for viability assessments to be submitted with applications for a lesser/nil provision.

- 239 Paragraph 64 of the NPPF states that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”

- 240 The submitted Viability assessment has been submitted and assessed/verified by an independent assessor, in accordance with National Planning Practice Guidance. The outcome of the on the viability of the affordable housing provision has demonstrated that due to the high level of stabilisation/remediation to groundworks on the site required to facilitate the development would make the scheme unviable if affordable housing was to be secured. Therefore in this instance, it has been proven that nil affordable housing provision is accepted, to allow the development to proceed.

Area of Archaeological Potential

- 241 The Archaeology Officer at KCC recommends to ensure appropriate consideration of the archaeological landscape and its protection and recording of finds during development, in accordance with policy EN4 of the ADMP.

Tilted Balance

- 242 Paragraph 11 of the National Planning Policy Framework States that:

Plans and decisions should apply a presumption in favour of sustainable development. ... For decision-taking this means:

c) approving development proposal that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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.

243 Footnote 7 of paragraph 11 d) states:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

244 The presumption in favour of development applies in this instance as Sevenoaks District Council can only demonstrate a 2.9 year supply (inclusive of the buffer), which falls below the required 5-year supply. Further, Sevenoaks District Council Housing Delivery Test is below the 75% threshold.

245 The proposed development is considered to comply with the local development framework and the national planning framework. The development is not considered to result in significant harm and would provide social, environmental benefits and provide deliverable housing required in the District. The **presumption in favour of development applies to which significant weight** is attached to this consideration.

Community Infrastructure Levy (CIL)

246 This proposal is CIL liable. CIL contributions are intended to fund infrastructure to help support development. Infrastructure providers would be able to bid for funds in line with the Council's existing CIL spending procedures. As Sevenoaks District Council is a CIL charging authority, it would not be reasonable to secure other financial contributions for infrastructure.

Other issues

247 Existing Covenants

In the third party representations, it has been stated that there is a restrictive covenant on the site. It is noted that there is an existing planning condition attached to the original planning permission for the care home restricting its use. However, it does not restrict the ability of a planning application to come forward on the site for a residential scheme. In any event, if there was a restrictive covenant in place, this is a private and civil matter and not a material planning consideration.

248 Sets a precedent

In accordance with planning legislation, each application is to be determined on its own merits. By the granting of this permission does not necessarily imply that other schemes can follow due to differing set of material considerations and site constraints.

249 Lowering property values

Objections has been raised in relation to the de-valuation of property values because of permitting this development. It is clear within national planning guidance that the negative effect of a planning permission on the value of properties is not a material planning consideration.

250 Rights to Light

It is noted that a third parties have expressed their rights to light. This is a private and civil matter relating to the protection of purely private interests and as such, the loss of private rights to light is not a material planning consideration

251 Insufficient Infrastructure

Many representations have mentioned that the development would apply additional strain upon the existing local infrastructure. However, to meet any shortfall in the provision of infrastructure and services, funding can be sought after by the pooled receipts from the Community Infrastructure Levy.

Conclusion

252 The proposed development is considered acceptable in principle and would make efficient use of land taking reference of architectural features in the area and utilising existing topographical features in its design and massing of the buildings.

253 The proposal would have an acceptable impact on amenity and would have an acceptable highways and parking provision. It also means that the proposed development would not conflict with any relevant development plan policies, and that in accordance with paragraph 11(c) of the Framework, this application should be approved without delay.

254 It is recommended that the application be approved and planning permission be GRANTED subject to the conditions and legal agreement detailed above.

Background papers

Site and block plan

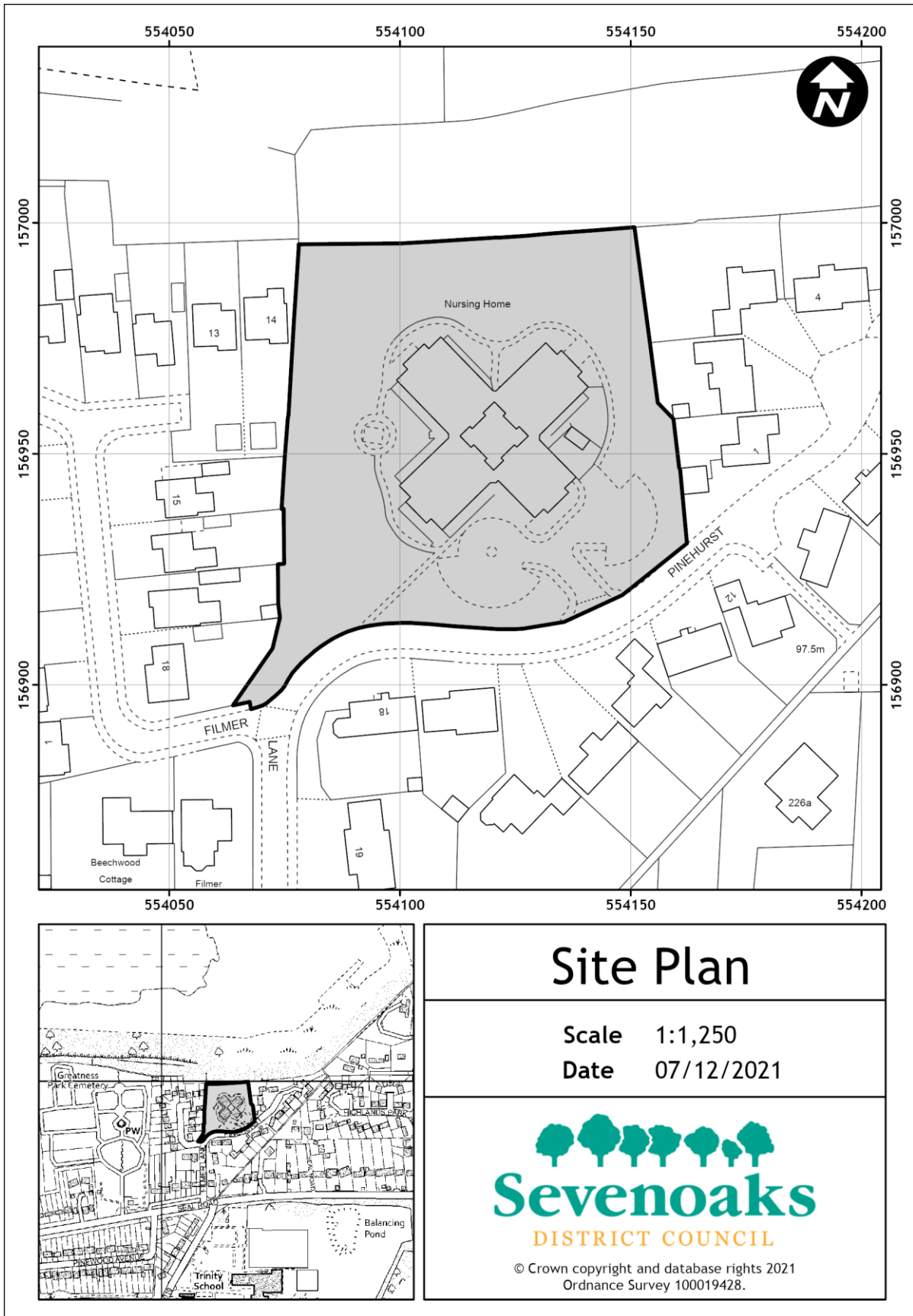
Contact Officer(s):

Sean Mitchell 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 07/12/2021



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Ordnance Survey 100019428.

BLOCK PLAN

