

4.2 21/02825/FUL

Date expired 10 December 2021

Proposal: Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop

Location: Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL

Ward(s): Edenbridge South & West

Item for decision

The application is presented at Development Control Committee as the applicant is Sevenoaks District Council.

RECOMMENDATION: That planning permission be **Granted** subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120 rev D, A983-01B-PL-121 rev C, A983-01C-PL-120 rev C, A983-01C-PL-121-C, A983-01F-PL-120 rev B, A983-01F-PL-121 rev B.

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, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: Site 10 Planting Schedule, 5469 LLB ZZ E6 DR L 001 rev P03, 5469 LLB ZZ E6 DR L 0002 P03, 5469 LLB ZZ E10 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0002 P02, 5469 LLB ZZ E3 DR L 0002 P03, 5469 LLB ZZ E3 DR L0001 P03, 5469 LLB ZZ E7 DR L 0001 P02, 5469 LLB ZZ E7 DR L 0002 P02, 5469 LLB ZZ ZZ DR L 0001 P02, 5469 LLB ZZ ZZ DR L 0002 P02 and Masterplan 5469 LLB ZZ ZZ DR L 0001 P06.

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

4) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become

seriously damaged or diseased in the opinion of the local planning authority , 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 ensure the provision, establishment and maintenance of the landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the first occupation of the dwellings on sites 6 and 10, eleven electric car charging points with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage, shall be installed and thereafter maintained, as per approved plan numbers A983-01B-PL-102 rev C and A983-01F-PL-102 rev C.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the use of the sites commencing, the visibility splays shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, as per approved plans 4966 03, 4966 04, 4966 05, 4966 06, 4966 08, 4966 09.

In the interests of Highways safety.

7) Prior to the use of the sites commencing, pedestrian visibility splays of 2 metres x 2 metres shall be provided and maintained behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

In the interests of Highways safety.

8) Prior to the commencement of works, a Construction Management Plan shall be submitted and approved in writing to the Local Planning Authority to 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

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

9) From the commencement of works (including site clearance), all mitigation measures for reptiles will be carried out in accordance with the details contained within section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology May 2021).

In the interests of protected species and ecology on the site, in accordance with policy SP11 of the Core Strategy.

10) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme and means of foul sewerage for the site has been

submitted to and approved in writing by the local planning authority, in consultation with Southern Water and the Lead Local Flood Authority. The detailed drainage scheme 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 of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):1. That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.2. 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.

11) 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 that the drainage system constructed is consistent with that which was 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 165 of the National Planning Policy Framework.

12) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.

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.

13) No development shall take place until details of the implementation and phasing for the development have been submitted to and approved in writing by the local planning authority. The approved scheme shall be phased as agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the

NPPF.

14) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no work being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

15) No development shall take place on site 10 over the alignment of Public Footpath SR602 until an Order for its permanent diversion has been made and confirmed, and the diverted route has been fully provided and certified.

To ensure that public rights of way are properly safeguarded in the public interest.

16) 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 within 3 months of the completion of the development.

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

17) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-01-101 H, 5469 LLB ZZ ZZ DT L 0001 P01, 4966 01, 5469 LLB ZZ ZZ DR L 0001 P06, A983-01C-PL-110-C, A983-01F-PL-102 B, A983-01A-PL-102 D, A983-01B-PL-102a A, A983-01C-PL-102 D, A983-01F-PL-130-D, A983-01F-PL-121-B, A983-01F-PL-120 B, A983-01F-PL-111-B, A983-01F-PL-110-B, A983-01C-PL-121-C, A983-01C-PL-120-C, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-C, A983-01B-PL-120-D, A983-01B-PL-112-A, A983-01B-PL-110- E.

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) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and->

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

1. The applicant pays for the administration costs
2. The duration of the closure is kept to a minimum
3. Alternative routes will be provided for the duration of the closure.

A minimum of six weeks notice is required to process any applications for temporary closures. PLEASE NOTE no Temporary Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed.

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

No hedging or shrubs should be planted within one metre of the edge of the Public Right of Way.

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 Stangrove Estate is located on the west side of Edenbridge to the south of the railway line. It is accessed via Crouch House Road. Stanbridge Road and Pine Grove lead into the estate to Cedar Drive, Park View Close and Park Avenue. The existing shop (Tonys Corner Shop) is a small single storey retail unit located at the junction of Cedar Drive and Park Avenue, the building is run down and in a state of disrepair. The estate is predominantly made up of two storey terraced houses with areas of green open space. The area is residential in character, located within the build confines of Edenbridge.

Description of proposal

- 2 Planning permission is sought for the creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements. The sites within the estate that are the subject of this permission are explained below:
- 3 Site 3 - proposed car park providing 12 spaces located along Park Avenue. The site is currently laid with grass, however has been used informally for car parking.
- 4 Site 6 - proposed car park providing 18 spaces, three x2 bedroom dwelling houses and three x3 bedroom dwelling houses with 9 private parking spaces within the plots of the proposed dwellings and 2 allocated spaces within the car park. This site is currently a grassed area located to the south of the children's play area and north of Park View Close.
- 5 Site 7 - proposed new retail unit with a GIA of 84m² with two x1 bedroom flats at first floor and 5 additional parking spaces proposed for the site, of these 2 are allocated to the flats with the remaining 3 for communal use. This site is where the existing Tony's shop is located within the estate, at the junction of Cedar Drive and Park Avenue.
- 6 Site 8 - proposed car park providing 10 spaces located along Cedar Drive. Currently this site is grassed and populated with trees, again there is evidence of informal parking on this site.
- 7 Site 9 - proposed car park providing 10 spaces also located along Cedar Drive and to the north of site 8. The site is grassed with mature trees and has also been used informally for parking of vehicles.
- 8 Site 10 - proposed car park providing 12 spaces located at the south east of the site off Cedar Drive, two x2 bedroom dwelling houses and three x3 bedroom dwelling houses with 10 communal parking spaces with access drive and turning areas. This site currently contains hardstanding for

parking, with the rest of the site covered with vegetation, bound by the south, east and west by rear gardens of dwellings and to the north is the railway line.

- 9 Site 11 - proposed two car parks providing a total of 16 spaces located at the end of Chestnut Close and off Pine Avenue. This site is currently grassed with trees and has evidence of informal parking use.

Relevant planning history

- 10 20/03786/FUL Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements. Withdrawn, more information was required.
- 11 21/03526/FUL - Provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years - Decision pending.

Policies

- 12 National Planning Policy Framework (NPPF)
- 13 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.
- 14 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.
- 15 Core Strategy (CS)
- LO1 Distribution of Development
 - LO6 Development in Edenbridge
 - SP1 Design of New Development and Conservation
 - SP3 Provision of Affordable Housing
 - SP5 Housing Size and Type
 - SP7 Density of Housing Development
 - SP8 Economic Development and Land for Business
 - SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- 16 Allocations and Development Management (ADMP)
- EN1 Design Principles

- EN2 Amenity Protection
- T2 Vehicle Parking

Constraints

17 None identified.

Consultations responses

- 18 Edenbridge Town Council - object on the grounds of insufficient parking, poor design, overdevelopment of the site, loss of green spaces, flood concerns, insufficient provision of electric car charging points.
- 19 KCC Highways - no objections, subject to conditions.
- 20 Ecology - no objection, subject to condition.
- 21 Environmental Health - no comments.
- 22 KCC Archaeology - no comments.
- 23 SDC Housing - no objection, comments regarding affordable housing and viability.
- 24 SDC Planning Policy - no objections, comments regarding the retail unit, open space, housing density and housing type and size.
- 25 Natural England - no objection.
- 26 Southern Water - no objections, subject to condition regarding sewerage and surface water drainage.
- 27 Conservation - no objections.
- 28 Crime Prevention Design Officer - no objection, comments regarding designing out crime including layout, boundary treatments, access control, mail delivery, CCTV, parking, lighting, bin and cycle stores, doors, windows and landscaping. Recommended condition regarding Secure By Design.
- 29 Environment Agency - no comments.
- 30 Lead Local Flood Authority - no objection, subject to condition regarding surface water drainage.
- 31 Urban Design Officer - no objections, recommends materials are conditioned.
- 32 Network Rail - no objections.
- 33 Tree Officer - no objection, comments regarding the loss of trees, recommends conditions requiring Arboricultural Method Statement and landscaping details.

- 34 Highways England - no objections.
- 35 Public Rights of Way Officer - no objections, recommends conditions.

Representations

- 36 X1 comment neither objecting nor supporting the application.
- 37 X4 comments in support of the application.
- 38 X96 comments objecting to the application, points raised summarised below:
- Loss of trees
 - Loss of open space
 - Overdevelopment
 - Viability and finance
 - Parking stress and proposals failing to resolve issues
 - Impact on neighbours including loss of privacy, overshadowing and overlooking
 - Impact on wildlife and ecology
 - Disruption to residents including noise and traffic
 - Potential antisocial behaviour
 - Flood risk and drainage
 - Sewerage
 - Objections to yellow lines
 - Not enough electric car chargers proposed

Chief Planning Officer's appraisal

- 39 The main planning considerations are:
- Principle of the development;
 - Impact on character and appearance of the area;
 - Impact on neighbouring amenity;
 - Parking and highways Impact;
 - Open space;
 - Affordable Housing;
 - Public Right of Way;
 - Ecology

Principle of Development:

- 40 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.

- 41 This application proposes 13 residential units, which would make a positive valued contribution to the District's Housing Stock.
- 42 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.
- 43 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. Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.
- 44 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.
- 45 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.
- 46 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.
- 47 Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 48 Policy SC1 of the ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning applications that accord with policies in the Development Plan will be approved without delay unless material planning considerations indicate otherwise.
- 49 Policies L01 and L06 of the Core Strategy require development to be focussed within the built confines of existing settlements, including the urban confines of Edenbridge.
- 50 The application site is located within the urban confines of Edenbridge. The sites in question are sustainably located close to existing shops and local

transport facilities. The site is comprised of a series of plots which are predominately green spaces free from development. The land, with the exception of the shop on site 7, would not be considered to fall under the definition of previously developed land as provided in the NPPF. However, given the sustainable location of the area and the need to provide improved parking areas and landscaping, the principle of development could be supported in accordance with the efficient use of land principles in the NPPF.

- 51 Policy SP5 of the Core Strategy requires new housing developments to have a mix of housing types. It will seek the inclusion of small units (less than 3 bedrooms) in new schemes in suitable locations to increase the proportion of smaller units. The Sevenoaks Strategic Housing Market Assessment states that the 2 and 3 bedroom properties represent 68% of the houses needed in the District. As this development is proposing 2 and 3 bedroom properties, it would appear that the type and size of housing proposed is appropriate.
- 52 Regarding housing density, National planning policy seeks to ensure that development makes effective use of land. Policy SP7 of the Core Strategy encourages densities that do not compromise the distinctive character of the area. Within urban areas (of Edenbridge) new residential development is expected to achieve a density of 40 dwellings per hectare.
- 53 This development includes three sites which would see new housing development. Site 6 would have x6 new units, with a density of 50 dwellings per hectare. Site 7 would see x2 new units above the shop and would have a density of 4 units per hectare. Site 10 would have x5 new units and would have a density of 31 dwellings per hectare. Two of the sites would have a lower density and one would have a higher density. That said, the estate overall is considered to have a relatively high density of development. The proposal would provide much needed parking areas, improve the appearance and use of the open areas and also minimise the impact of the built development on the open spaces. It is therefore considered that these densities are appropriate as it would not compromise the distinctive character of the area and take up more of the open space than required.
- 54 Overall, the application would be considered to make efficient use of land and would see improved provision of formalised parking areas and improved landscaping within the estate. The proposal is considered acceptable in principle, subject to the further considerations below.

Impact on character and appearance

- 55 The application includes the creation of new residential development on three of the sites - sites 6, 7 and 10. The design of the dwellings and units proposed has been amended to be more in keeping with the character of the wider estate. The fenestration and material pallet proposed has been amended to better reflect the existing dwellings and the established character of the estate. The new dwellings on sites 6 and 10 would be two storey terraced properties, largely reflecting the character and appearance of the residential area. The six new dwellings proposed on site 6 would form

a continuation of the existing build line and would not be considered to appear dominant or detrimentally harmful to the street scene.

- 56 The works to the existing shop on site 7 would be considered a visual improvement. The current building is in a state of disrepair and in need of updating and modernising. The works would see the shop upgraded and extended with two residential units sited above. The design of the new shop unit would be considered a visual improvement and has been designed to reflect the character of the residential properties on the estate in terms of scale, materials and appearance.
- 57 Whilst hardstanding for the formalised parking would be sited on some areas of open space on the estate, the open and verdant character of sites 3, 8, 9 and 11 would be considered to be retained. The hardstanding for the parking would not be considered to demonstrably harm the character and openness of these sites, with improved landscaping and planting considered to mitigate the impact. Several areas on these sites has been used for informal parking due to parking strains in the local area, resulting in the appearance of worn grass and poor quality open space. The provision of formalised hardstanding for parking would be considered a visual and functional improvement.
- 58 The majority of the trees would be retained across the estate, with some specimens proposed to be removed to allow for the works. The proposal would see the removal of four mature trees and four groups of trees. These trees are not protected by a Tree Preservation Order. Whilst the loss of trees is unfortunate, the application includes extensive plans to provide new landscaping, tree planting and ecological enhancements including bird and bat boxes, habitat features and wild flower planting. New trees are proposed to be planted in 27 different points across all the sites. Therefore whilst the loss of trees is unfortunate, however, considering the extensive landscaping works proposed, on balance, the proposal would be considered to form a visual improvement to the estate, with open grassed areas damaged by informal parking to be improved and upgraded.
- 59 Overall, the works have been carefully designed to be sympathetic to the existing character of the estate, with extensive landscaping improvements proposed. For these reasons the proposed development will not detract from the character and appearance of the site or the surrounding area and complies with ADMP Policy EN1 and Core Strategy Policy SP1.

Impact on neighbouring amenity

- 60 Policy EN2 of the ADMP seeks to protect the amenity of existing residents that neighbour new development. The application would provide new formal parking spaces for residents of the estate, with new and improved landscaping also proposed to visually improve the appearance of the open spaces on the estate. As part of the viability of the works, 13 new dwellings are proposed.
- 61 Site 6 would see six new dwellings proposed fronting Park View Close. The new dwellings would be separated from no.29 to the west of the site by the

proposed redirected footpath. The new dwellings would not project forwards of the existing build line of the existing dwellings to the west. No. 29 Park View Close would be separated by some 7.6m from the new dwellings, including the footpath and newly proposed landscaping. Whilst the new dwellings would marginally exceed the ridge height of the neighbouring properties to the west, they are considered to be suitably sited away from the neighbouring dwelling, no. 29, to prevent a harmful loss of light, privacy and outlook. The dwellings at the end of the cul-de-sac of Park View Close would be adequately separated from the new units by the siting of the new car parking area.

- 62 Site 7 would include two residential units above the new shop. Again, the new building has been designed to form a continuation of the build line and grain of development of the neighbouring dwellings to the south. The new shop building and residential units would not project forwards of neighbouring dwelling no. 16 Cedar Drive and this neighbouring property would retain sufficient light, privacy and outlook. The new shop would see the continued use of the site which is not unlike the current use. The new shop would not be considered to have any greater impact on no.16 than the existing use.
- 63 Site 10 is located on the northern part of the estate and the proposed five new dwellings would be sited behind neighbouring dwellings 72-86 Cedar Drive, with access taken from Cedar Drive. The new dwellings would be sited some 39m and 33m from these neighbouring dwellings. It is widely accepted that a back-to-back separation distance of 21m is considered sufficient to protect neighbouring amenity, in built-up town centre locations, this can be recommended at 15m being sufficient. The separation distance of the new units would be considered in access of this requirement and would therefore not be considered to cause a harmful loss of light, privacy or outlook to the existing neighbouring dwellings along Cedar Drive.
- 64 The areas of hardstanding proposed to provide formalised parking areas would also be considered adequately separated from neighbouring dwellings and would not be considered to have a harmful impact on the amenities of existing residents.
- 65 Regarding the amenity of future occupiers, all the bedrooms in the new dwellings and residential units meet the requirements for single and double occupancy bedrooms, as outlined in the National Minimum Space Standards. All the units are provided with parking spaces and private amenity space.
- 66 Upon considering the above, the proposed development would safeguard the existing residential amenity of the nearest neighbours of the development and provide acceptable amenity to future occupiers of the development, in accordance with Policy EN2 of the ADMP.

Parking and Highways Impact

- 67 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

- 68 The proposal seeks to provide 13 new dwellings with 23 private parking spaces and 79 additional communal parking spaces for existing residents. The new dwellings would all be served by independently accessible spaces that meet the requirements of appendix 2 of the ADMP for a town centre / edge of centre location. The three bedroom units would benefit from two parking spaces and the two bedroom units from one parking space. The two flats would each have an allocated space also. KCC Highways have raised no objections to the proposals. The visibility splays provided are considered acceptable.
- 69 Regarding parking stress on the estate, the proposal would result in the loss of 46 parking spaces. However a parking stress survey has been provided, with an agreed study area and methodology with KCC Highways. The survey showed 253 parked cars, with 25 spaces unoccupied, which totals 278 spaces. A demand for 302 spaces was indicated as the average parking demand from the stress survey (253 parked appropriately + 49 parked inappropriately). The total of 278 spaces minus the loss of 46 spaces, totals 232 spaces. A total of 79 communal spaces are proposed, which would total 311 (232 + 79) spaces across the estate. This is considered to meet the current daily demand on the estate as was indicated by the stress survey.
- 70 Despite the loss of 46 spaces on the estate, the proposals contribution of 79 communal spaces has been demonstrated to meet the daily average demand, as found during the parking survey carried out on the estate. 311 spaces will be provided and available, with the survey showing an average daily demand for 302 spaces. KCC Highways are satisfied with the survey and information provided.
- 71 Single yellow lines are proposed at all bends, which is suggested to restrict parking between 08:00 - 18:30. This will allow for free flowing traffic during these times. Residents would be able to park outside of the restricted hours, such as overnight.
- 72 Regarding the provision of electric car charging points, the 11 new dwellings proposed would all be fitted with an EV charging point, meaning 11 charging points proposed overall. This is considered to be an acceptable provision for the development proposed.
- 73 Overall, the proposal would not be considered to cause harm to the highway network or pose greater parking stress than currently exists on the estate. The proposal is considered in accordance with policy EN1 and T2 of the ADMP.

Open Spaces

- 74 Regarding the allocation of open spaces, policy SP10 of the Core Strategy seeks to ensure that open spaces of value to the local community are retained. Policy GI 2 of the ADMP seeks to protect open spaces within the urban confines of towns, stating that there should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.

- 75 Firstly it is important to identify what parts of the application site are defined as Open Space Allocations. Most of the development proposed including the parking areas and dwellings fall outside of the open space allocations. There is a small strip to the northern boundary of the site of site 10 that will not be built on. There is also a section to the north of site 6, to the south of site 8 and north of plot 3. As these allocated sites will not be developed and some are proposed to be improved landscaped areas to make them more usable, I therefore do not see any objection in terms of policy GI 2 of the Council's ADMP in relation to those parts.
- 76 Whilst it is clear that some of the areas to be developed are considered to be open space as defined by Policy SP10 of the Council's Core Strategy, it is important to consider whether the value of the open space is retained. Evidence has been provided to show that these open spaces are currently not well used, lack or have poor natural surveillance in some instances, due to lack of parking spaces in the estate, they are parked over and not in a good condition. This proposal will provide formalised parking areas for existing residents and will include landscape improvements to the open spaces to make them more usable. It is clear that some of the space will be lost to make way for residential development, which has been justified to help fund the environmental and parking improvements to the local area.
- 77 Therefore there will be some harm in terms of numerical loss of open spaces, but better and clearly defined parking areas and environmental improvements to the open spaces with additional landscaping and more usable areas. In addition, the scheme intends to remove the problem on parking on the existing open spaces, which will be enhancement. The proposal is therefore on balance considered meet Policy SP10 of the Core Strategy.

Affordable Housing

- 78 In total 11 new houses are being proposed across this housing estate in order to fund the proposed parking and landscaping improvement works. In line with Policy SP3 of the Core Strategy, it would be expected that 30% of these be provided as affordable homes.
- 79 However, no affordable units or off site contribution is being provided as part of this scheme. In line the NPPF and policy SP3 of the Core Strategy, the applicant has submitted a Financial Viability Assessment Report which indicates that due to the land value and due to other development costs, such as the landscape improvements works and the provision formalised parking, the scheme is not financially viable if it provides any affordable homes.
- 80 The viability report has been independently assessed and verified by Adams Integra. This independent assessment aligns with the conclusion of the viability report. It concludes that the scheme is viable but cannot provide any affordable housing units on site.
- 81 It is therefore apparent that due to viability, land value and the nature of the additional environmental improvements, the application cannot meet

the affordable housing provision as outlined in policy SP3 of the Core Strategy, but is policy complaint due to the viability situation.

Public Right of Way

- 82 A public right of way runs across site 10. It is proposed to redirect this right of way. This would need to be agreed with KCC Rights of Way. The KCC Right of Way Officer raises no objections to the scheme and advises the new path is considered an acceptable width. Agreement to divert this right of way would be required to be secured with KCC separately. The proposals would not be considered to cause harm or significant loss of the public right of way.

Ecology

- 83 Regarding reptiles, the reptile mitigation strategy has outlined the mitigation measures needed to translocate the reptile population, which KCC Ecology have advised is appropriate and will be secured via condition.
- 84 Regarding ecological enhancements, KCC Ecology accept that there is limited scope for biodiversity improvements within the development. That said, several strategies are proposed as part of the wider landscape and environment improvements for the whole site. This includes bird and bat boxes proposed on sites 3, 8, 9, 10 and 11 and proposed wildlife habitat features on site 10. There is extensive landscaping proposed including tree planting, native grass, wildflower and bulb planting proposed across all the sites.
- 85 Overall, KCC Ecology have raised no objections to the proposals and are satisfied with the ecology information provided.

Titled balance

- 86 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 (*none of which apply here*) 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.

- 87 Footnote 7 of paragraph 11 d) states:
- 88 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.
- 89 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.
- 90 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)

- 91 This proposal is CIL liable and no exemption has been applied for.

Conclusion

- 92 In light of the above considerations, I am satisfied that the proposal is an appropriate form of development, will not detract from the visual amenity of the locality and will not harm the residential amenity of nearby dwellings and future occupants.
- 93 It is therefore recommended that this application is GRANTED.

Background papers

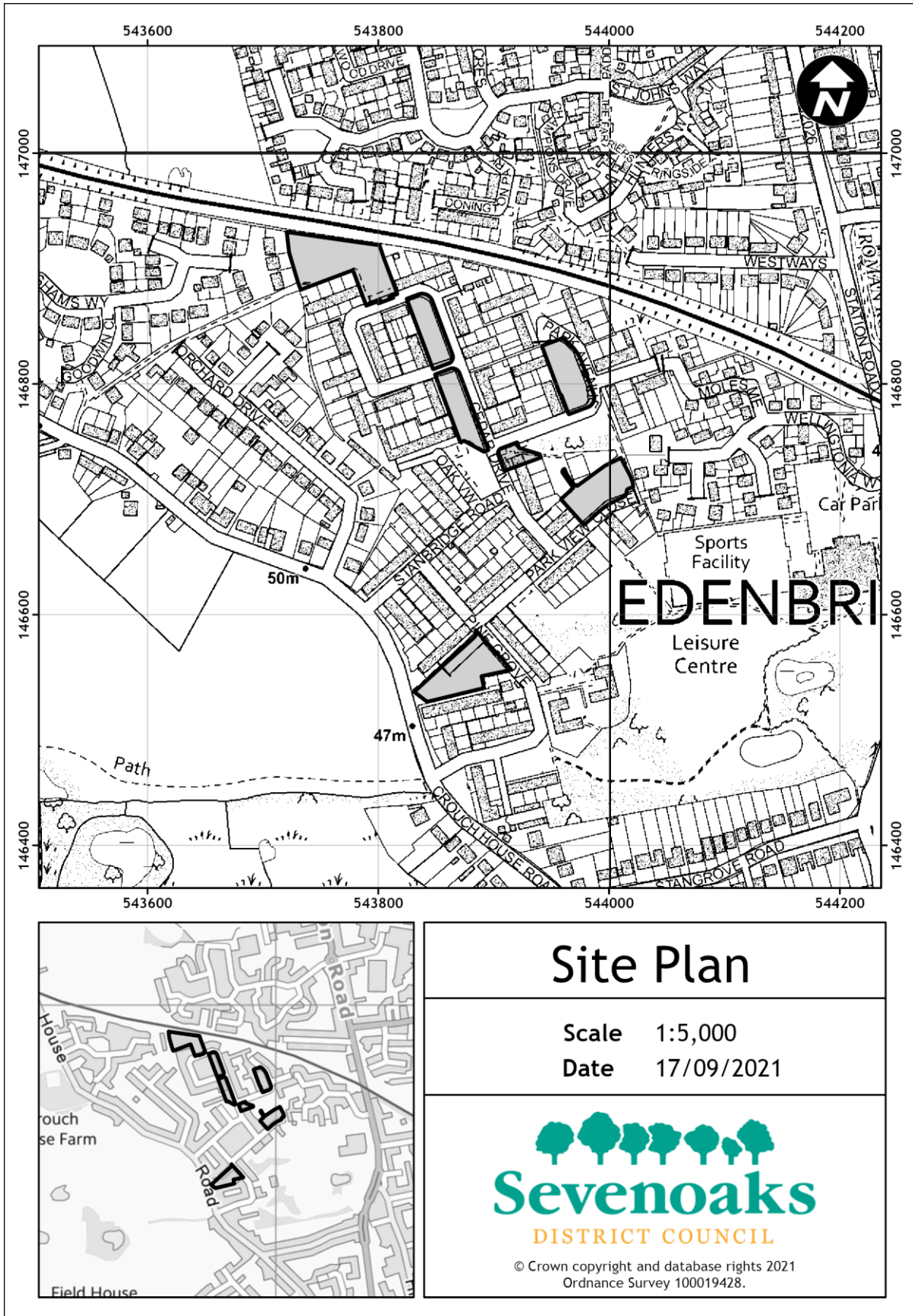
Site and block plan

Contact Officer(s): Anna Horn : 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN

