

4.1 - 23/02074/CONVAR Date expired 18 October 2023

Proposal: Variation of condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL for 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 with amendment to drawings to pick up minor changes to parking layouts, landscaping and elevations

Location: Tony's 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 the time limit imposed on application SE/21/02825/FUL

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-F, A983-01B-PL-121-E, A983-01C-PL-120-E, A983-01C-PL-121-E, A983-01F-PL-120-D, A983-01F-PL-121-D.

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: 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E11-DR-L-0001-S4-P01, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0001-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E11-DR-L-0002-S4-P01, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0002-S4-P02.

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-E and A983-01F-PL-102-E.

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) The development shall be carried out in accordance with the approved construction management plan (rev 2), prepared by BBS Construction Ltd and dated 14/07/2022, unless otherwise agreed in writing by the Local Planning Authority.

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) The development shall be carried out in accordance with the approved drainage scheme, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details: Drainage calculations dated August 2022, revision P01; 4779-CON-00-XX-DR-C-1532-P01; 4779-CON-00-XX-DR-C-1531-P01; 4779-CON-00-XX-DR-C-1530-P01; 4779-CON-00-XX-DR-C-1516-P01; 4779-CON-00-XX-DR-C-1514-P01; 4779-CON-00-XX-DR-C-1518-P01; 4779-CON-00-XX-DR-C-1513-P01; 4779-CON-00-XX-DR-C-1517-P01; 4779-CON-00-XX-DR-C-1512-P01;

4779-CON-00-XX-DR-C-1515-P01; 4779-CON-00-XX-DR-C-1511-P01; 4779-CON-00-XX-DR-C-1510-P01; 4779-CON-00-XX-DR-C-1400-P01.

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) The development shall take place in accordance with the approved Arboricultural Method Statement, prepared by Temple Group Ltd and dated 26 May 2022, unless otherwise agreed 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) The development shall take place in accordance with the approved details of the implementation and phasing plan, prepared by BBS Construction Ltd and dated 31st May 2022, unless otherwise 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) 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.

16) 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-D, A983-01F-PL-102-E, A983-01A-PL-102-F, A983-01B-PL-102-E, A983-01C-PL-102-F, A983-01F-PL-130-E, A983-01F-PL-121-D, A983-01F-PL-120-D, A983-01F-PL-111-D, A983-01F-PL-110-C, A983-01C-PL-121-E, A983-01C-PL-120-E, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-E, A983-01B-PL-120-F, A983-01B-PL-112-C, A983-01B-PL-110-F, A983-01E-PL-102-D, A983-01F-PL-131-B, A983-01G-PL-102-D.

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

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 (Tony's Corner Shop) is a small single storey retail unit located at the junction of Cedar Drive and Park Avenue. 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 Permission was granted under 21/02825/FUL 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.
- 3 A minor material amendment was approved under 22/02353/MMA to allow the inclusion of 13 air source heat pumps, one per dwelling.
- 4 This application seeks to vary condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL to address minor changes to parking layouts, landscaping and elevations. The wording of the approved conditions is below:
- 5 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 E, A983-01B-PL-121 rev D, A983-01C-PL-120 rev D, A983-01C-PL-121-D, A983-01F-PL-120 rev C, A983-01FPL-121 rev C.

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.

- 6 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

7 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 D and A983-01F-PL-102 rev D.

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

- 8 16) 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 D, A983-01A-PL-102 D, A983-01B-PL-102a D, A983-01C-PL-102 E, A983-01F-PL-130-D, A983-01F-PL-121-C, A983-01F-PL-120 C, A983-01F-PL-111-C, A983-01F-PL-110-C, A983-01C-PL-121-D, A983-01C-PL-120-D, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-D, A983-01B-PL-120-E, A983-01B-PL-112-B, A983-01B-PL-110-F.

The applicant wishes to update the plan numbers to incorporate minor changes. These changes are summarised below:

9 Site 3:

- Use of permeable asphalt opposed to block paving
- Two strips of planting have been omitted in between the parking spaces and the spaces furthest from the road have been moved over, this is due to underground services running parallel to the pavement which in amending the layout do not need to be diverted

10 Site 6:

- Alteration to rear patio door of middle two bed dwelling
- Alteration to rear window styles at first floor
- Minor alteration in hard surfacing finish to use permeable asphalt in car parking area to east opposed to block paving
- No alterations to number of spaces or EV points

11 Site 7:

- Alteration to the door on east elevation of retail unit

- Alteration to reduce window size on north elevation at ground and first floor
 - Slight relocation of retail bin store
- 12 Sites 8 and 9:
- Use of permeable asphalt opposed to brick paving
- 13 Site 10:
- Alterations to design of rear windows
 - Addition of ground floor window on side elevation
 - Landscape alterations – slight alterations to siting of proposed trees, additional hedgerow and tree planting proposed along western side boundary, alterations to hard surfacing materials
 - No alterations to number of spaces or EV points
- 14 Site 11:
- Extending the block paving from asphalt surface to the west side
 - Removing block paving on east side
 - Inclusion of disabled space
 - One less space on western side (from 8 to 7 spaces) to retain existing turning area
- 15 The following approved drawings: A983-01A-PL-102 D, A983-01B-PL-102a D, A983-01B-PL-112-B, A983-01B-PL-120-E, A983-01B-PL-121-D, A983-01C-PL-102 E, A983-01C-PL-110-C, A983-01C-PL-120-D, A983-01C-PL-121-D, A983-01E-PL-102 C, A983-01F-PL-102 D, A983-01F-PL-111-C, A983-01F-PL-120-C, A983-01F-PL-121-C, A983-01F-PL-130-D, A983-01F-PL-131-A, A983-01G-PL-102-C, 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 L 0001 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;
- 16 Are to be replaced with the new proposed drawings: A983-01A-PL-102-F, A983-01B-PL-102-E, A983-01B-PL-112-C, A983-01B-PL-120-F, A983-01B-PL-121-E, A983-01C-PL-102-F, A983-01C-PL-110-D, A983-01C-PL-120-E, A983-01C-PL-121-E, A983-01E-PL-102-D, A983-01F-PL-102-E, A983-01F-PL-111-D, A983-01F-PL-120-D, A983-01F-PL-121-D, A983-01F-PL-130-E, A983-01F-PL-131-B, A983-01G-PL-102-D, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DR-L-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E11-DR-L-0001-S4-P01, 6337-LLB-ZZ-E11-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-ZZ-DR-L-0002-S4-P02 .

Relevant planning history

- 17 21/02825/FUL 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. GRANT

- 18 21/03526/FUL Provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years. GRANT
- 19 22/02353/MMA Amendment to 21/02825/FUL. GRANT

Policies

- 20 National Planning Policy Framework (NPPF)

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.

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.

- 21 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

- 22 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T2 Vehicle Parking

Constraints

- 23 The following constraints apply:

None identified.

Consultations responses

- 24 Edenbridge Town Council – Members support the application, subject to there being no loss of parking.

- 25 KCC Highways – No objections to the minor amendments.
- 26 Tree Officer – No objections.
- 27 SDC Housing – No comments.
- 28 Environmental Health – Requested more information on the EV charging points.
- 29 KCC Ecology – No significant changes to the landscaping and planting plans, no comments.
- 30 Lead Local Flood Authority – No objections, sought clarification regarding the permeable asphalt and attenuation.
- 31 Environment Agency – Application relates to condition not requested by Environment Agency, no comments.
- 32 Conservation – No comments.
- 33 Southern Water – No objections.
- 34 National Highways – No objection.
- 35 Public Right of Ways Officer – Footpath SR602 on site 10 is in the process of being diverted. The granting of planning permission confers no other permission or consent. Footpaths must not be stopped up, diverted or obstructed.

Representations

- 36 One comment of support received regarding the amendments to landscaping and materials.

Chief Planning Officer's appraisal

- 37 The development, which this application seeks to amend, has by definition been judged to be acceptable in principle. Paragraph 031 of the PPG states that 'In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.' On this basis, an assessment under section 73 should be focused on the changes sought.
- 38 There have not been significant changes in local and national policy since the last decision that are relevant to this proposal. Any changes will be considered as part of this application.
- 39 The applicant seeks to vary conditions 2, 3, 5 and 16 of planning permission 22/02353/MMA to allow new drawing numbers to be referenced due to minor changes to the parking layout, landscaping and elevations.
- 40 The planning issues relevant to the proposed amendments to the conditions are assessed below.

Design and impact on the character of the area

- 41 The previous scheme was considered to have been designed to be sympathetic to the existing character of the estate, with extensive landscaping improvements proposed. Overall, the proposed development was not considered to detract from the character and appearance of the site or the surrounding area and was found to be compliant with design policies EN1 and SP1.
- 42 The alterations sought under this application as considered to be minor changes to the landscaping, parking layout and the elevations of some of the proposed units.
- 43 Additional landscaping is proposed at site 10 along the western side boundary and the previous landscaping improvements across the proposed sites would be retained. The Tree Officer has raised no objections to the alterations to the hard and soft landscaping as the changes are minor in scale and would not alter the overall appearance of the scheme.
- 44 There are areas where the previously approved block paving will be replaced by permeable asphalt. This would not be considered to detrimentally alter the character and appearance of the proposal and is considered to be acceptable in visual impact.
- 45 The changes to the elevations of the dwellings include minor alterations to fenestration and would not impact the overall appearance of the scheme.
- 46 Overall, the proposed variations and amendments are considered to remain compliant with design policies SP1 of the Core strategy and policy EN1 of the ADMP.

Impact on neighbouring amenity

- 47 The previously approved scheme was considered acceptable in terms of protecting existing neighbouring amenity and the amenity of future occupiers.
- 48 The alterations to the hard surfacing would not impact upon neighbouring amenity.
- 49 The new ground floor window proposed on the side elevation of unit 5 on site 10 would be at ground floor level and would not be considered to harm neighbouring amenity in terms of overlooking or privacy.
- 50 Additional landscaping including hedging and tree planting is proposed along the western side boundary of site 10. This supplementary landscaping would provide additional screening of the development and would improve the relationship to the properties to the west.
- 51 The other alterations are considered minor in scale and would not harm neighbouring amenity. Overall, considering the scale and nature of amendments proposed, it is considered that the variation of the conditions would see the safeguarding of the amenities of existing and future occupants, in accordance with policy EN2.

Impact on Highways

- 52 The car park proposed at site 11 would have 7 spaces instead of the previously approved 8. This has been done to retain the existing turning area. This reduction of one parking space is not considered significantly or detrimentally harmful to the highways considerations of the proposal overall.

- 53 Overall, the alterations proposed would not be considered to harmfully impact upon the parking or access arrangements that were approved under 21/02825/FUL or 22/02353/MMA. The scheme will still provide parking, landscaping improvements and the same number of EV charging points as previously consented. The scheme is considered to remain acceptable on highways grounds, with KCC Highways raising no objections to the variation of conditions proposed.

Impact on drainage and flood risk

- 54 KCC as the Lead Local Flood Authority noted the change in hard surfacing on some of the sites. The LLFA commented that they do not oppose the use of permeable asphalt but sought confirmation that the underlying sub-base is still present to provide the required attenuation. The applicant has confirmed that the permeable surfaces are still designed with the appropriate sub-base and that the change of surfacing does not affect the depth of the sub-base. As such, the alterations to the hard surfacing would not alter the approved drainage strategy.

Community Infrastructure Levy (CIL)

- 55 The proposal was CIL liable and the CIL charge has been paid. The amendments proposed do not alter the CIL charge relating to the development.

Conclusion

- 56 In light of the above, the variation of conditions 2, 3, 5 and 16 is considered to be acceptable when considering the character of the area, neighbouring amenity, highways and other material considerations, and consequently the proposal is considered to be in accordance with the development plan for the District. Accordingly, the variation of the conditions are recommended for approval.

Background papers

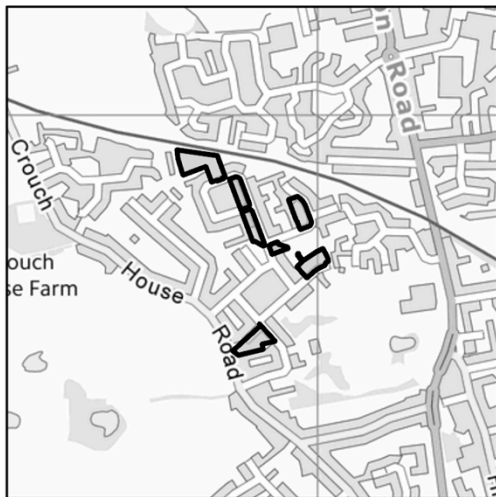
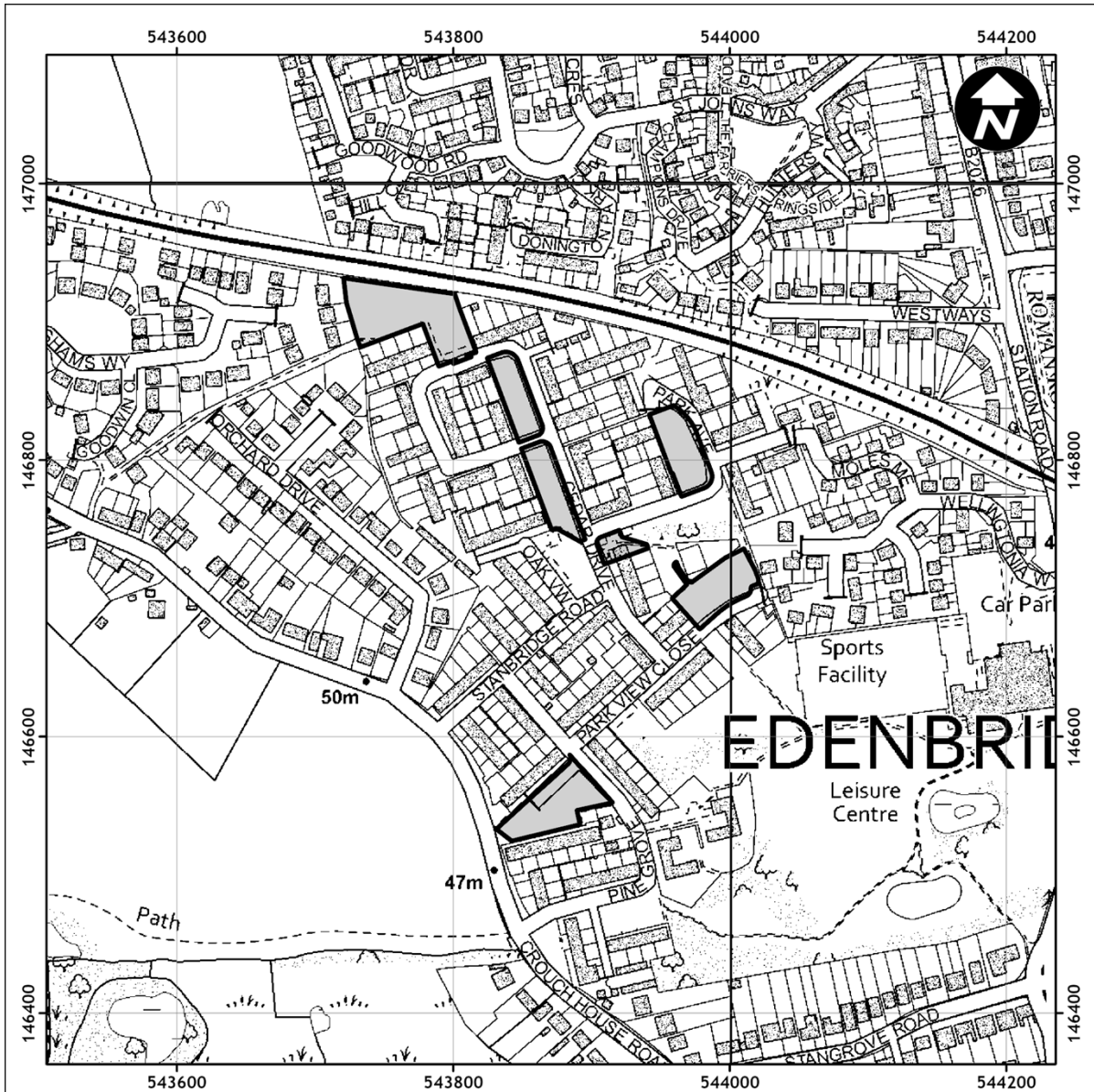
- 57 Site and block plan

Contact Officer(s): Anna Horn 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:5,000
Date 07/09/2023



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Ordnance Survey AC0000822250

PROPOSED OVERALL SITE PLAN

