



Sevenoaks
TOWN COUNCIL

11th August 2011

You are summoned to attend a meeting of the PLANNING COMMITTEE to be held in the Council Chamber at the address below on Monday 15th August 2011 at 7.00pm. Town Councillors are reminded that they have a duty to state a Declaration of Interest prior to the appropriate agenda item and to consider the Crime and Disorder Act 1998 s.17 when reaching a decision. The Planning Committee meeting will be followed by a meeting of the Stag Community Arts Centre Trustees.

Deputy Town Clerk

Committee Members

Cllr S Arnold
Cllr C L L Baker
Cllr Mrs J M Canet
Cllr G R S Clack
Cllr A S Clayton
Cllr Mrs M E Crabtree
Cllr Mrs A E Dawson
Cllr A Eyre

Chairman - Cllr R M C Hogarth
Cllr Mrs M A London
Cllr R J Parry
Cllr R L Piper
Vice Chairman - Cllr S G Raikes
Cllr M G Short
Cllr P E Towell
Cllr P C Walshe

AGENDA

Apologies for absence

PUBLIC QUESTION TIME

To enable members of the public to make representation or to put questions to the Committee on any planning matters, with the exception of individual planning applications which will be considered under a later agenda item.

1 **DECLARATIONS OF INTEREST**

To receive any disclosures of interest from Members in respect of items of business included on the agenda for this meeting.

2 **MINUTES**

To approve and sign the minutes of the meeting of the Planning Committee held on 1st August 2011

Town Council Offices
Bradbourne Vale Road
Sevenoaks, Kent TN13 3QG
Tel: 01732 459953 Fax: 01732 742577

Email: council@sevenoakstown.gov.uk
- Website: www.sevenoakstown.gov.uk

Town Clerk



- 3 RESIDENTIAL CHARACTER AREA ASSESMENT
To receive and note an email from Sevenoaks District Council regarding the change of date for the Residential Character Area Assessment launch event (copy attached)
- 4 GOVERNMENT CONSULTATIONS
To receive and note a summary of the following consultations from Kent Association of Local Councils (inc web link to full documents) to be considered and comments to be discussed at the Planning Committee meeting to be held on the 5th September.
- Local Planning Regulations: Consultation
 - Draft National Planning Policy Framework: Consultation
- 5 NEIGHBOURHOOD PLANNING
To receive and note an email dated the 8th August 2011 from SDC regarding Neighbourhood Planning, in reply to a letter of the 5th August 2011. (Copy Attached)
- 6 COMMUNICATIONS
(a) To receive and note an email from Sevenoaks Rail Travellers Association, inviting a member of STC to SRTA's AGM (18th October, 8pm) to give a brief talk on how STC has been helping rail travellers (copy attached)
- 7 TREE WORK
(a) To consider the following applications for treework
- i) SE/11/01869/WTPO - 9 White Hart Wood [Cllr Parry]
Various works to 1 Oak Tree.
 - ii) SE/11/01930/WTPO - 52 High Street [Cllr Short]
Remove 3 Trees
- (b) To note the making of the following Tree Preservation Order:
- i) HW/TPO/12/2011 - 11 White Hart Wood
- 8 PLANNING APPEALS
(a) To note the Inspector has dismissed the following appeal(s):-
- i) APP/G2245/A/11/2151381 - Land adj to 144 Kippington Road
 - ii) APP/G2245/A/11/2150534 - 104 Seal Road
- 9 PLANNING APPLICATIONS
(a) The meeting will be adjourned to enable members of the public, by prior arrangement, to speak on individual planning applications which are on the current agenda.
- (b) The meeting will be reconvened to consider planning applications received from the Sevenoaks District Council during the 2 weeks ending 11th August 2011 (copy attached).
- 10 PRESS RELEASE
To consider any agenda item which would be appropriate for a press release.

From: Hannah Gooden [mailto:hannah.gooden@sevenoaks.gov.uk]
Sent: Tuesday, August 09, 2011 10:18 AM
To: Sevenoaks Town Council;

Subject: RE: Sevenoaks Residential Character Area Assessment SPD

Dear all

Thank you for participating in the cllr briefing session and Q&A last night on the residential character area appraisals for Sevenoaks.

Further to the discussion that the launch date clashed with a number of other meetings, the stakeholder launch event has now been moved to **Tuesday 6th September**, 7pm, in the SDC Council Chamber. Please could you let me know if you are planning to attend.

Kind regards
Hannah

Government Consultations on Local Planning Regulations and Draft National Planning Policy Framework

I. Local Planning Regulations Consultation

www.communities.gov.uk/publications/planningandbuilding/localregulationsconsultation

The current process of preparing a local plan is set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development)(England) Regulations 2004, as amended. The Government intends to use the Localism Bill to remove centralised bureaucracy and return decisions to local councils and communities. This would be in particular through the abolition of regional strategies, the introduction of neighbourhood plans and the streamlining of local plans. The consultation on Local Planning Regulations sets out the background to amending the regulations on preparing local plans and seeks views on the Government's proposals. It does not seek views on the provisions in the Localism Bill, or the National Planning Policy Framework but asks for comments on how the regulations have responded to the planning reform programme. The consultation asks 4 specific questions:

- 1) Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?
- 2) Do you agree with the list of bodies included in the duty to cooperate?
- 3) Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?
- 4) Are there any ways in which regulations should be changed in order to improve the process of preparing local plans, within the powers set out in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?

The Government consultation ends on 7 October. Members are encouraged to respond direct to CLG. In order to help shape KALC's response we would welcome your views on these questions **by Friday 23 September**.

II. Draft National Planning Policy Framework: Consultation

www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation

The National Planning Policy Framework is intended to radically streamline existing Planning Policy Statements, Planning Policy Guidance Notes and some other circulars to form a single consolidated document. The Framework sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. Government hopes that these policies will provide local communities with the tools they need to energise their neighbourhoods, meet housing needs, plan for a low carbon future and protect environmental and cultural landscapes of amenity value. The Framework will have the same legal status as current Government policy documents. The provisions of the Planning and Compulsory Purchase Act 2004 already cover the status of national planning policy in plan preparation and decision making. The consultation says that local and neighbourhood plans and policy should be prepared having regard to the content of national planning policy but accepts that there will be local circumstances where it is right for that community to depart from national policy. However, any departure from national policy would need to be justified by robust evidence. The consultation sets out which policy documents will be cancelled when the framework is introduced and sets a series of questions in the form of statements, where consultees are asked whether they strongly agree, agree, neither agree or disagree, disagree or strongly disagree. The consultation questions cover:

- Delivering Sustainable Development
- Plan-making
- Joint Working
- Decision Taking
- Business and economic development
- Transport
- Communications infrastructure
- Minerals
- Housing
- Planning for schools
- Design
- Green Belt
- Climate change, flooding and coastal change
- Natural and local environment
- Historic environment
- Impact Assessment

The Government consultation ends on 17 October. Members are encouraged to respond direct to CLG. In order to help shape KALC's response we would welcome your views **by Monday 3 October**.

KALC
August 2011

S

From: Hannah Gooden [mailto:hannah.gooden@sevenoaks.gov.uk]
Sent: 08 August 2011 14:25
To: Ann White
Subject: Neighbourhood Planning

Dear Ann

We're looking forward to meeting with your colleagues later this evening to discuss the residential character area assessments for Sevenoaks.

In relation to your query regarding neighbourhood plans and associated legislation, the Localism Bill is currently progressing through parliament and its progress can be monitored on the following website. Once this legislation is in place, we will review our position in relation to neighbourhood planning and other elements of the legislation.

<http://services.parliament.uk/bills/2010-11/localism.html>

Please let me know if you have any queries
Kind regards
Hannah

Hannah Gooden
Principal Planning Officer (Policy)
Sevenoaks District Council
Council Offices, Argyle Road, Sevenoaks, Kent, TN13 1HG
01732 227178
www.sevenoaks.gov.uk

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Visit the Council at WWW.SEVENOAKS.GOV.UK

Mr Alan Dyer (Planning services manager)
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

5th August 2011

RE: Neighbourhood Plans

Dear Mr Dyer

Thank you for your letter of the 1st July 2011 concerning Neighbourhood Planning Vanguards.

Members were disappointed that the District Council's stance remains the same. However, Councillors would be interested to know the timetable for legislation and when Sevenoaks District Council intends to review its position.

In the meantime, Sevenoaks Town Council is very keen to actively participate in the formation of the Character Area Assessments and Councillors look forward to the briefing session, the stakeholder launch event and subsequent walkabout sessions.

Sevenoaks Town Council is enthusiastic to work with Sevenoaks District Council on this project.

Yours sincerely

Ann White
Deputy Town Clerk

6a.

From: SRTA Secretary [<mailto:secretary@srta.org.uk>]
Sent: Monday, August 08, 2011 5:05 PM
To: Sevenoaks Town Council
Cc: Ann White; secretary@srta.org.uk
Subject: Sevenoaks Rail Travellers Association AGM 18 October 2011

Our Annual General Meeting this year will be on Tuesday 18 October at 8pm in Christ Church Hall, Littlecourt Road, Sevenoaks TN13 2JG.

I do hope that, as in previously years, the relevant members of Sevenoaks Town Council will be able to attend the meeting, and can I ask you to pass this formal invitation onto them. We would be very happy to give them the opportunity to tell our members something about the work they have been doing on rail travel issues in general and in particular perhaps their plans to promote integrated and sustainable transport for the town.

I look forward to hearing from you.

An agenda and papers will be circulated closer to the time.

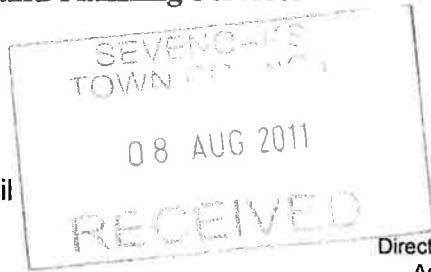
Regards

Andrew Stott

Secretary
Sevenoaks Rail Travellers Association
www.srta.org.uk

7bi

Deputy Chief Executive and
Director of Community and Planning Services:
Kristen Paterson



Mrs L Larter
Sevenoaks Town Council
Council Offices
Bradbourne Vale Road
Sevenoaks
Kent
TN13 3QG.

Direct Line: 01732 227317
Ask for: Mr H. Walker
Your ref:
My ref: HW/TPO/12/2011
Email: harry.walker@sevenoaks.gov.uk

Date: 4th August 2011

Dear Mrs Larter,

IMPORTANT: THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Town and Country Planning Act 1990
Town and Country Planning (Trees) Regulations 1999
Sevenoaks District Council Tree Preservation Order No. 12, 2011.

This is a formal Notice to let you know that on the 4th of August 2011, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet.

The Council have made the Order because of the amenity value and landscape benefits that this tree offers.

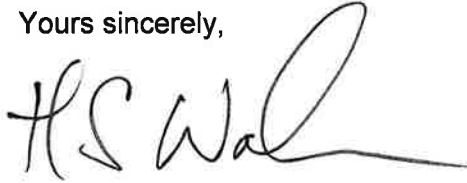
The Order took effect, on a provisional basis on the 4th of August 2011. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about the trees that are covered by the Order. Please remember that any comments made are treated as a public document and can be made generally available.

If you would like to make any objections or other comments, please make sure we receive them in writing by Friday 2nd September 2011. Your comments must comply with Regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is provided overleaf. Send your comments to Mr. H. Walker, Strategic Services Department, Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks TN13 1HG. All valid objections or representations are carefully considered by Members of the Development Control Sub Committee before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mr. H. Walker, Telephone 01732 227317.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H. Walker', written in a cursive style.

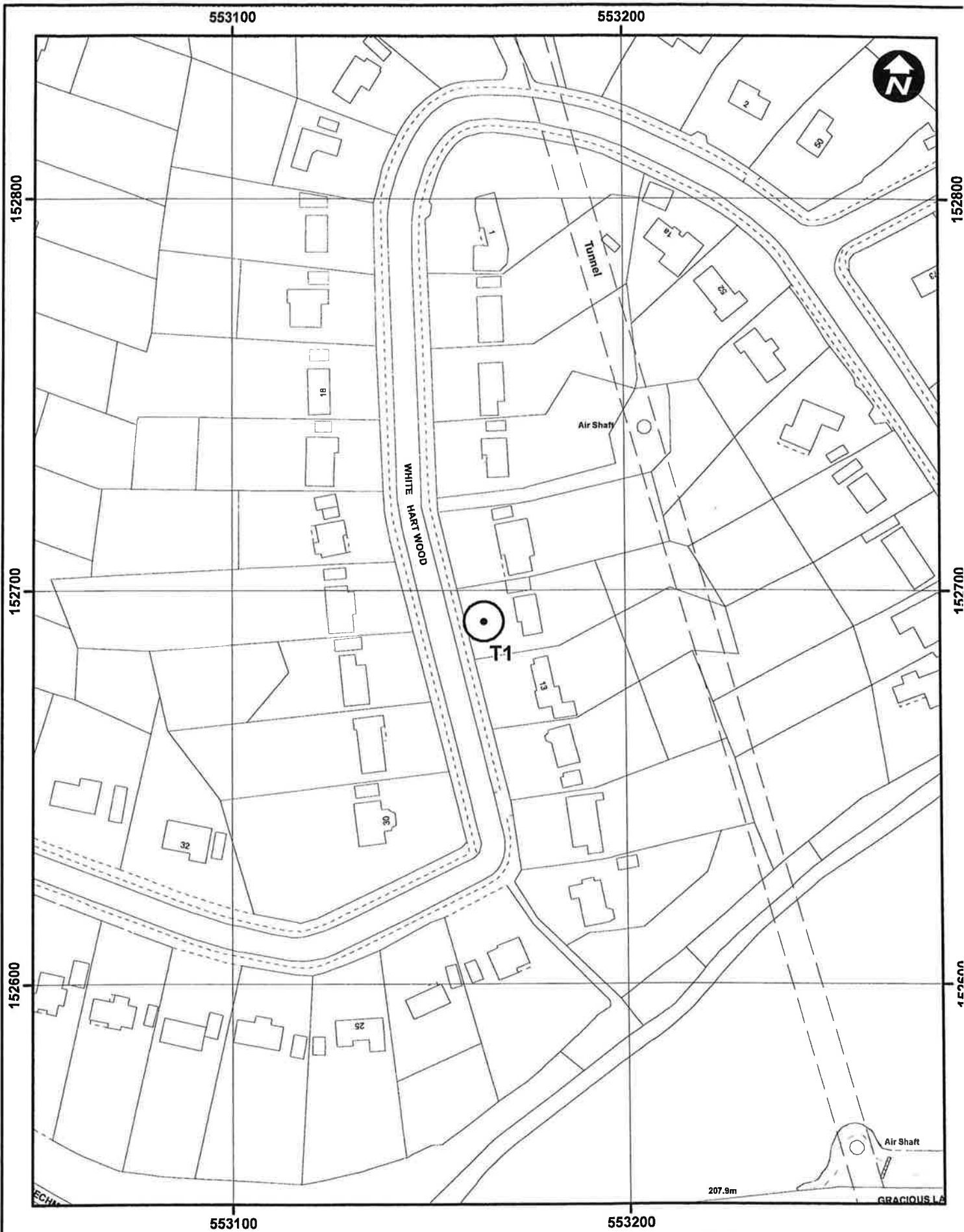
Mr H. Walker
Assistant Arboricultural Officer

COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES)
REGULATIONS 1999

Objections and representations

4. (1) Subject to paragraph (2), objections and representations;
- (a) shall be made in writing and
 - (i) delivered to the Authority not later than the date specified by them under Regulation 3(2)(C); or
 - (ii) sent to the Authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.

4 (2) The Authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



Sevenoaks
DISTRICT COUNCIL

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Sevenoaks District Council, 100019428, 2011

Tree Preservation Order

TPO 12 (2011)

11 White Hart Wood, Sevenoaks

Scale: 1:1,250
Date: 03/08/2011

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Map
T1

Description
Oak

*Situation**
Situating within the front garden of 11 White Hart Wood, Sevenoaks.

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on Map

Description
None

*Situation**

Groups of trees
(within a broken black line on the map)

Reference on Map

Description
None

*Situation**

Woodlands
(within a continuous black line on the map)

Reference on Map

Description
None

*Situation**

* complete if necessary to specify more precisely the position of the trees.



Appeal Decision

Site visit made on 26 July 2011

by **B C Scott BA(Hons) Urban & Regional Planning MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 August 2011

Appeal Ref: APP/G2245/A/11/2151381

Land adjacent to 144 Kippington Road, Sevenoaks, Kent, TN13 2LW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kippington (Roads) Sevenoaks Ltd against the decision of Sevenoaks District Council.
 - The application Ref: SE/10/02524/FUL dated 31 August 2010, was refused by notice dated 3 February 2011.
 - The development proposed is new CCTV camera, post and control box.
-

Procedural Matters

1. The appeal site is opposite no.121, a Grade II Listed Building (LB), and just within the Kippington Conservation Area (KCA). I have a general duty under Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to have special regard to the desirability of preserving the setting of the LB. Additionally, I have a duty under Section 72(1) of the *Act* to pay special attention to the desirability of preserving or enhancing the character or appearance of the KCA. Such special attention is a material consideration concerning proposed development affecting the setting of the KCA, or views into or out of it.
2. In the appeal application, the height of the proposed camera post is shown and stated to be 4.5 metres. In the Appellant's submissions, the height is stated to be 2.4 metres. I am referred to an existing example in Oakhill Road. I am left in no doubt that the proposed development is for a camera mounted 4.5 metres high.

Decision

3. The appeal is dismissed.
4. The views of local residents and other organisations have been taken into account in reaching this decision.

Main issues

5. I consider the three main issues in this case to be the effect of the proposed development on; firstly, the setting of the LB; secondly, the character and appearance of the area, with particular reference to the KCA; and lastly, highway safety.
-

Reasons

Setting of the listed building

6. The LB is the former Lodge to Kippington House. It retains the appearance of a gatehouse, closely fronting a narrow, gated access to an exclusive residential area in the former grounds of the Kippington House estate. The proposed development would place a CCTV camera and equipment directly opposite the LB. An objective of the Sevenoaks District Local Plan (LP) includes preserving and enhancing Listed Buildings and the settings of such buildings, which reflects my statutory duty.
7. Kippington Road was the main drive to the House. The LB is very close to the road. The appeal site is part of the far side road margin that does not support any frontage buildings. The elaborate porch and hanging front gable of the Tudor style LB sits barely 10m from the appeal site, behind a low hedge and iron railings. I saw that, owing to its scale and design and the absence of other buildings, the LB has a visually dominant presence over the road and its far margin. To my mind, it is likely that this scene is much as it was originally when no.121 was a lodge to the drive, aside from the current arrangement for access. Accordingly, I find that the appeal site forms part of the setting of the LB.
8. The function of the proposed development has little to do with the LB. Clearly, its modern, technological nature is wholly unrelated to the particular character and interest of the LB. Notwithstanding its insubstantial form, given its function, nature and siting, the proposed development would intrude upon the historical context of the LB. It would look anachronistic, having a negative effect upon the setting of the LB.
9. I conclude on the first issue that the proposed development would be harmful to the setting of a LB, in conflict with the objectives of the Development Plan.

Character and appearance

10. The appeal site is part of the road margin to an entrance to the KCA. This appeal site entrance is undeveloped and mostly free of typical or utilitarian streetscape features. It has a simple, uncluttered appearance and a rural character that reflects the landscape of the KCA. The proposed development would add street equipment to the roadside.
11. Saved LP Policy EN23 reflects my statutory duty that I have referred to earlier. Policy SP 1 of the Sevenoaks District Council Core Strategy 2011 requires high quality development that responds to distinctive local character, with reference to such things as the Kippington Conservation Area Appraisal and Management Plan 2009 (AMP). The AMP identifies the landscape of the KCA to be crucially important; also that inappropriate standard highway features are a key issue.
12. Due to the nature of the junction alignment and the verdant backdrop, I saw that the appeal site entrance is both prominent and important to the character and appearance of the KCA. I saw also that the appeal site is near where inappropriate streetscape features are prevalent in association with controlled access to the residential area (notably at Oakhill Road). The AMP draws attention to the simplicity of the appeal site entrance in contrast. Albeit on a

small scale, the proposed development would make matters worse because it would have no special status for use in historic areas and would mar the existing simplicity of the appeal site entrance.

13. I conclude on the second issue that the proposed development would be harmful to the character and appearance of the area, in conflict with the requirements of policies EN23 and SP 1 of the Development Plan.

Highway safety

14. The appeal site is contained between the sharp junction of Kippington Road with the main highway (Oak Lane). It is part of the tip of wedge-shaped land that separates the two roads. The proposed development would introduce an obstacle to visibility at the junction. LP Policy EN1 requires development to not create unacceptable traffic conditions.
15. Kippington Road descends towards Oak Lane, which recovers from an outside bend and small dip near the appeal junction. A tree bole and road sign brick plinth occupy the forward most tip of land, behind which would be placed the proposed development, with dense foliage beyond that.
16. The Appellant does not submit details of the geometry of the carriageways and the available visibility splays, but asserts that through due care and attention left hand exits are not dissimilar to entering a motorway junction and would be unaffected by the proposed development. During my site visit, I experienced that this is not an easy junction to exit from, in either direction, due to restricted visibility.
17. Given the complexity of the geometry and in the absence of sufficient information to allow a full assessment of the proposed development, I am not satisfied that the Appellant's assertion is entirely applicable and correct. In the circumstances, I conclude on the third issue that the proposed development would be harmful to highway safety, in conflict with the requirements of Policy EN1 of the Development Plan.

Other Considerations and Conclusion

18. I have considered all other matters that are raised, including concerns about privacy and crime. The proposed camera would be in a fixed position pointing downwards and away from the properties concerned. There is conflicting information before me about the propensity for crime in the KCA and the need for the proposed development is questionable.
19. For the reasons given above, I conclude that the appeal should be dismissed.

B C Scott

INSPECTOR



Appeal Decision

Site visit made on 19 July 2011

by **K D Barton BA(Hons) Dip Arch DipArb RIBA FCI Arb**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 July 2011

Appeal Ref: APP/G2245/A/11/2150534
104 Seal Road, Sevenoaks, Kent TN14 5AU

- The appeal is made under section 78 of the *Town and Country Planning Act 1990* against a refusal to grant planning permission.
 - The appeal is made by Mr M Hobbs against the decision of Sevenoaks District Council.
 - The application Ref SE/10/02179/FUL, dated 9 August 2010, was refused by notice dated 10 August 2010.
 - The development proposed is a change of use of existing building to provide 3 no residential units with associated parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Hobbs against Sevenoaks District Council. This application is the subject of a separate Decision.

Whether the Proposal would Accord with Development Plan Policies on Sustainability

3. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires determinations to be made in accordance with the development plan unless material considerations indicate otherwise. In this case, whilst no reference was made to emerging policies by the Council at application stage, the *Sevenoaks District Council Local Development Framework Core Strategy (CS)* has been adopted subsequent to the Council's decision and now forms part of the development plan. CS Policy SP 2 requires new homes to achieve at least Level 3 of the Code for Sustainable Homes and to include at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
4. The Council considers that a condition could be attached requiring details of how it is intended to achieve Level 3 prior to commencement and a post construction certificate prior to occupation. However, whilst the appellant accepts that this is a laudable aspiration, doubt is cast on whether the requirements of CS Policy SP 2 could be met by the current proposal. A condition could not, therefore, overcome the failure to demonstrate that the requirements of CS Policy SP 2 have been met and the proposal would be contrary to development plan policy.

Whether the Proposal would Accord with Development Plan Policies Relating to Affordable Housing

5. Similarly, whilst the previous threshold was 15 units, CS Policy SP 3 seeks a financial contribution towards improving affordable housing provision off-site where residential developments of less than 5 units would involve a net gain. The contribution would be based on the equivalent of 10% affordable housing. A *Supplementary Planning Document*, mentioned in the Core Strategy, has not yet been prepared detailing how the policy aims would be met.
6. The Council disputes that the appellant's intention to provide rented accommodation for his staff rather than speculative housing would constitute affordable housing but in any event there is no mechanism to provide for this or any method of ensuring an acceptable affordable housing use or the payment of a contribution. Such payments cannot be required by condition and, in the absence of any Section 106 Agreement, the proposal would be contrary to the aims of CS Policy SP 3.

Effect on the Living Conditions of the Occupiers of the Proposed Residential Units in terms of Noise and Disturbance

7. Saved Policy EN1 5) of the *Sevenoaks District Local Plan* (LP) seeks to ensure a satisfactory environment for future occupants of developments and lists a number of matters to be considered. Whilst noise is not specifically mentioned in that section of the policy, it is a well established planning concern. Reference has been made to an earlier permission where it was found that the air conditioning units at the Veterinary Surgery at 104 Seal Road would have no material impact on the living conditions of the occupiers of No 102 in terms of noise. However, No 102 has a different relationship to the air conditioning units than the proposed units as it is screened to some extent by a rear projection of No 104 whereas the proposed units would be directly in front of the air conditioning units.
8. Since the Council's decision a noise impact assessment has been submitted. Whilst the Council still has some concerns, a number of conditions are suggested that would mitigate against any undue noise disturbance and the reason for refusal is no longer pursued. With the safeguards provided by the suggested conditions the proposal would comply with the aims of saved LP Policy EN1 5) and *Planning Policy Guidance Note 24: Planning and Noise*.

Effect on Highway Safety in terms of Parking Provision

9. When planning permission was granted for the Veterinary Surgery it was assumed that the four consulting rooms would lead to the employment of up to 9 staff. On that basis the Surgery would require 21 spaces but the existing car park accommodating 20 car parking spaces was considered acceptable. The existing car park was not considered adequate to serve both the Surgery and the proposed residential use.
10. Since the Council's decision, the appellant has confirmed that the Surgery operates on an appointment only basis and that the intention is for shared use of the car park. The Council's Highway Engineer considers that in these circumstances, and with a condition precluding the blocking of the access, there would be adequate parking for both uses. Indeed, a local resident states that they have not seen more than three cars in the car park. The suggested

condition, on its own, would not be sufficient as it does not require the appointment only arrangement, which is necessary to make the communal parking arrangement acceptable, to be retained but this could also be required by condition.

11. The views of local residents and other interested parties have been taken into account in reaching this decision. Whilst there is understandable concern about on-street parking, which is limited on Grove Road where there are no parking restrictions, there is no reason to believe that the occupiers of the proposed dwellings and their visitors would not use the dedicated parking close by on the opposite side of Grove Road.

Other Matters

12. It has been suggested by a local resident that the buildings it is proposed to convert are listed but the Council's Questionnaire, and the appellant, confirm that this is not the case. The existing buildings would be utilized without extension and off-street parking would be provided on the opposite side of the road in the existing car park. There would also be an area of communal outdoor amenity space. The proposal would not, therefore, constitute overdevelopment.
13. Notwithstanding the acceptability, subject to conditions, of the proposal in terms of parking provision and noise disturbance, the failure to adequately provide for sustainability in terms of Level 3 of the Code for Sustainable Homes and affordable housing are the determining issues in this case.

K D Barton

INSPECTOR



Costs Decision

Site visit made on 19 July 2011

by K D Barton BA(Hons) Dip Arch DipArb RIBA FCIARB

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 July 2011

Costs application in relation to Appeal Ref: APP/G2245/A/11/2150534 104 Seal Road, Sevenoaks, Kent TN14 5AU

- The application is made under the *Town and Country Planning Act 1990*, Sections 78, 322 and Schedule 6, and the *Local Government Act 1972*, Section 250(5).
 - The application is made by Mr M Hobbs for a full award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of planning permission for a change of use of the existing building to provide 3 no residential units with associated parking.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 3/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Saved Policy EN1 of the Sevenoaks District Local Plan (LP) refers at sub paragraph 5) to a satisfactory environment for future occupiers. Whilst noise is not specifically listed, it is an established planning concern and reference to the policy is not unreasonable. An application for a change of use of 104 Seal Road to a Veterinary Surgery was found to have an acceptable impact on the occupiers of 102 Seal Road in terms of noise. However, the relationship of the proposed residential units in this case to the air conditioning units at No 104 would be very different to that of No 102. In these circumstances it was entirely reasonable for the Council to seek additional information in the form of a Noise Assessment. In the absence of a Noise Assessment, and notwithstanding that the appellant has control over the air conditioning units, it was not clear that any concerns could be overcome by conditions.
4. In terms of parking, there was also some doubt about how the car parking relating to the Veterinary Surgery would work. In the absence of this information the residential development proposed in this case could have led to increased pressure for on-street spaces causing drivers to circulate in the area looking for parking spaces to the detriment of highway safety. Although saved LP Policy VP1, and Supplementary Planning Guidance 4 relating to parking, allow for some flexibility, details are required to enable a considered assessment of what pressures might be caused. In the absence of details it was reasonable for the Council to adopt a conservative view of parking requirements and the imposition of conditions might not have been adequate

to overcome any problem. In these circumstances the Council's refusal of planning permission on the basis of noise and parking was not unreasonable.

5. Having received details subsequent to its decision, but before the appeal, the Council indicated that it would not defend the two reasons for refusal at appeal. The appellants reference to *Planning Policy Guidance Note 13: Transport* indicating that Council's should not require more parking than appellants propose is not relevant as, when provided with details, the Council accepted the proposed level of parking.
6. In the absence of information in relation to both noise and parking it was not clear that the Council's concerns could have been overcome by conditions. It was not unreasonable therefore for the Council to refuse the application. Although this has caused a delay leading to additional concerns following the adoption of the Core Strategy, and which might cause added complications and costs for the appellant, this is not due to unreasonable behaviour on the Council's part and an award of costs is not justified.

K D Barton

INSPECTOR

Planning Applications to be Considered

Planning Applications received to be considered on 15 August 2011

1	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01328/FUL	Helen Tribe	Cllr Hogarth	David Atkins 0208 462 923
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Martin Deakins			2 St Georges Road	St Johns
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				04/08/11
SE/11/01328/FUL - Amended plan Cert B received as required, signed dated, and notice served				

2	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01393/FUL	Helen Tribe 26-08-11	Cllr Arnold	David Burr 01732 742200
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Joel Morris			14 Eardley Road	Town
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				11/08/11
SE/11/01393/FUL - Amended plan Drawings				

3	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01830/ADV	A Byrne 24-08-11	Cllr Towell	WYG P&D0117 925 4393
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Sainsbury's Supermarkets		Sainsbury's	Oxford Road	Northern
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				05/08/11
Retrospective application for temporary freestanding, non-illuminated advertisement boards.				

4	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01848/FUL	M Holmes 24-08-11	Cllr Piper	Mrs J Tasker 01689 83633
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Beckingham		West Cross Keys House	Ashgrove Road	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				05/08/11
Proposed residential development, comprising the demolition of an existing garage, and the construction of three new dwellings with new crossovers, and replacement garage removal of affordable housing contribution				

Planning Applications to be Considered

Planning Applications received to be considered on 15 August 2011

5	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01878/FUL	A Byrne 25-08-11	Cllr Mrs London	Mr G Bunce 01622.691169
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr P Watkins		Land North of	Bourchier Close	Town
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				08/08/11
Erection of a new Care home and close care accommodation				

6	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01883/FUL	P Reedman 30-08-11	Cllr Eyre	Cobden 455 029
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Holliday			9 Downsview Road	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				10/08/11
Proposed first floor side extension over attached garage and two storey rear extension.				

7	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01900/FUL	M Holmes 30.08.11	Cllr Eyre	BHD Architects 452 200
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Roberts		Quarry House	8B Kippington Road	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				10/08/11
Proposed single storey side extension				

8	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01905/FUL	N Cowley 18-08-11	Cllr Piper	Mr R Castor Jeffery 0117 0 011 1500
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mrs Perry			31 Britains Lane	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				01/08/11
Erection of a single storey side extension.				

Planning Applications to be Considered

Planning Applications received to be considered on 15 August 2011

9	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01915/FUL	P Reedman 19-08-11	Cllr Piper	Mr R Ranson 452 111
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr&Mrs Russell			11 Burntwood Road	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				01/08/11
Replacement 5 no. bedroom property with new double garage, & multi use games area				

10	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01926/FUL	P Reedman 22.08.11	Cllr Eyre	Open Arch 779.580
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr R Trifiletti			20 Garth Road	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				03/08/11
Erection of a rear and side extension, installation of wine cellar below garage and attic conversion.				

11	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01927/FUL	B Phillips 23-08-11	Cllr Hogarth	David Burr 742 200
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Wealden Properties			47 Dartford Road	St Johns
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				05/08/11
Change of Use from A2 to A3 Use				

12	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01933/FUL	P Reedman 26-08-11	Cllr Arnold	Robinson Escott 01689.83
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Lee-Kemp			116 London Road	Town
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				09/08/11
Construction of part three/part four storey building, containing office space on ground floor with three floors above, containing four flats with related car parking area to the rear.				

Planning Applications to be Considered

Planning Applications received to be considered on 15 August 2011

13	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01953/FUL	N Cowley 23.08.11	Cllr Piper	Mr P Hagell 452.111
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr&Mrs Alexander		Charldan House	Grassy Lane	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				04/08/11
Elevational alterations including addition of french doors to rear elevation and open porch to front elevation and extension of storage shed to form a garage.				

14	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01955/FUL	N Cowley 23-08-11	Cllr Parry	Mr J Ward 07779 230.203
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr H McKay		3 Rosefield	Kippington Road	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				03/08/11
Creation of 2nd floor within the roof space and erection of a single storey rear extension.				

15	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01962/FUL	P Reedman 25-08-11	Cllr Mrs Dawson	Browitt&Smith 451.261
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr&Mrs May		Winsford & Little Winsford	Woodland Rise	Wilderness
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				08/08/11
Demolition of Little Winsford & detached garage, demolition of part of Winsford including rear garden wall. Proposed single & two storey additions, & remodelling porch of Winsford. Erection of replacement detached dwelling & attached garage on the site of Little Winsford.				

16	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/01963/CAC	P Reedman 25-08-11	Cllr Mrs Dawson	Browitt&Smith 451.261
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr&Mrs May		Winsford & Little Winsford	Woodland Rise	Wilderness
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				08/08/11
Demolition of Little Winsford & detached garage, demolition of part of Winsford including rear garden wall.				

Planning Applications to be Considered

Planning Applications received to be considered on 15 August 2011

17	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/02013/FUL	A Byrne 29.08-11	Cllr Mrs London	Offset Arch 452 111
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Marina Moskoenko		5 Park Cottages	Buckhurst Lane	Town
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				10/08/11
Partial change of use of residential property to treatment room for beauty purposes				

18	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/02014/FUL	N Cowley 31-08-11	Cllr Eyre	Mr Klepacz 01202.725.222
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr&Mrs Erhardt		Touchwood	4 Burntwood Grove	Kippington
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				11/08/11
The erection of a single storey aluminium framed glass room onto the rear elevation.				

19	<i>Plan Number</i>	<i>Planning officer</i>	<i>Town Councillor</i>	<i>Agent</i>
	SE/11/02017/FUL	N Cowley 31-08-11	Cllr Raikes	Mr Bush 740 778
<i>Applicant</i>		<i>House Name</i>	<i>Road</i>	<i>Locality</i>
Mr Umney			58 Camden Road	St Johns
<i>Town</i>		<i>County</i>	<i>Post Code</i>	<i>Application date</i>
				11/08/11
Demolition of existing garage and erection of replacement garage/workshop				