

4.1 - SE/16/00253/FUL Revised expiry date 27 May 2016

PROPOSAL: Demolition of existing industrial and office buildings and redevelopment of site for 185 dwellings with associated parking and public open space.

LOCATION: United House, Goldsel Road, Swanley BR8 8EX

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application is referred to Development Control Committee by Councillor Searles to consider the impact of the development on the operation of Swantex Paper Mill, the density of the development and its impact on highways and local infrastructure.

RECOMMENDATION A: That planning permission be GRANTED subject to the following conditions:-

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101-P, 102-A, 120-B, 121-B, 122-B, 133-F, 134-E, 135-D, 136-E, 140-B, 141-B, 142-B, 143-B, 144-B, 145-B, 146-B, 147-B, 148-B, 149-B, 150-B, 151-B, 152-B, 153-B, 154-B, 155-B, 156-B, 157-C, 158-B, 159-B, 160-B, 161-B, 162-B, 163-B, 164-B, 165-B, 166-B, 167-B, 168-B, 5630/100/D; 104; 105/A; 107; 111/E, LON.0005_06C; 07B; 08B; 09B; 11B; 12B; 16B; 17A; 18C; 19D; 20B; 21B; 22B; 24A; 25, Noise modelling and façade acoustic design strategy (Report Number 4930.6/B dated 25 February 2016 by Apex Acoustics Limited), Acoustic non-technical summary (Report Number 4930.5 dated 29 January 2016 by Apex Acoustics Limited), Archaeological Desk-Based Assessment (dated 18/01/2016), Flood Risk Assessment (ref. 5630/2.3F, dated January 2015), Landscape and Visual Appraisal (Ref. LON.0005_REV B), Arboricultural Report Impact Assessment and Draft Tree Protection Plan (dated 12 January 2015), Preliminary Ecological Assessment (dated January 2016), GCN and Reptile Survey (dated January 2016), Planning Statement (dated 29 January 2016), Sustainability and Energy Statement (dated Jan 2016), Sustainable Waste Management Plan (dated January 2016), Transport Assessment (Ref. 5630/2.3, dated January 2016), Design and Access Statement (dated January 2016).

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

3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Council. No development shall take place other than in accordance with the approved

details.

To ensure that the appearance of the development is in harmony with the existing character of the surroundings as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To ensure that features of archaeological interest are properly examined and recorded as supported by Policy EN4 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

5) No development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units and retained thereafter.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) No development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100yr critical storm). No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

7) No development shall be carried out on the land until it has been appropriately demonstrated that the existing on-site surface water flow-routes and

accumulation points will not be altered in such a way that the development places property at risk from flooding during any rainfall event, up to and including the climate change adjusted critical 100yr storm.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

9) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. No development shall take place other than in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

10) No development shall be carried out on the land until a phased contaminated land investigation comprising a Phase 1 (desk top) study, Phase 2 (intrusive) investigation and remediation strategy has been submitted to and agreed in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved remediation strategy.

In the interests of pollution prevention and safety and to comply with the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

11) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted

to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met. No development shall take place other than in accordance with the approved details.

In the interests of pollution prevention and safety and to comply with the National Planning Policy Framework.

12) No development shall be carried out on the land until a detailed and comprehensive scheme of acoustic protection, to include the position, construction details and density of any noise barrier and details of acoustic ventilation and glazing for all residential units has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To ensure the provision of adequate residential amenities for future occupiers and to safeguard the ongoing operation of the adjacent industrial premises in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

13) No occupation of any of the residential units shall take place until a verification report demonstrating completion of the approved acoustic protection measures and the effectiveness of those measures has been submitted to and approved in writing by the Local Planning Authority.

To ensure the provision of adequate residential amenities for future occupiers and to safeguard the ongoing operation of the adjacent industrial premises in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

15) No development shall be carried out on the land until full details of the access road, including footways, cycleways, lighting and drainage as shown on drawing 5630/100D has been submitted to and approved in writing by the Local Planning Authority. No such works shall be carried out other than in accordance with the approved details prior to first occupation of any residential unit on the application site.

In the interest of highway safety as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

16) No development shall be carried out on the land until full details of the internal roads, including footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture has been submitted to and

approved in writing by the Local Planning Authority. No such works shall be completed other than in accordance with the approved details prior to first occupation of any residential unit on the application site.

In the interest of highway safety as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

17) Prior to the first occupation of any of the hereby approved residential units a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the appointment of a Travel Plan co-ordinator, targets for non-car modes of travel and details of the arrangements for promotion of the Travel Plan. The Travel Plan shall be implemented in accordance with the details so approved and monitored at yearly intervals and the results, including an annual report, together with any amendments to the Travel Plan, shall be submitted to the Local Planning Authority.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

18) The parking spaces, turning areas and means of access shown on the hereby approved plans shall be provided prior to first occupation of any of the residential units hereby approved and be kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or not, shall be carried out on that area of land or to preclude vehicular access thereto.

In the interest of highway safety as supported by policy T2 of the Sevenoaks Allocations and Development Management Plan.

19) No development shall be carried out on the land until details for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units hereby approved.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

20) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall stipulate a scheme for:- the parking of vehicles of site operatives and visitors;- loading and unloading of plant and materials;- storage of plant and materials used in constructing the development;- the erection and maintenance of security hoarding;- measures to control the emission of dust and dirt during construction;- a scheme detailing the measures to be employed to minimise construction noise disturbance during term time at High Firs Primary School;- a scheme for recycling/disposing of waste

resulting from demolition and construction works. - a scheme to provide a safe route at all times during the construction process for pedestrians along Goldsel Road and along the footpath to Court Crescent and High Firs Primary School; - a programme of implementation. No development shall take place other than in accordance with the approved details throughout the construction period.

In the interests of highways safety and the amenities of the surrounding area during the construction phase in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

21) No development shall take place, including any site clearance works, until details of wheel-washing facilities have been submitted and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details and shall be retained and utilised throughout the construction of the development.

To mitigate the impact during construction relating to highways safety and neighbouring amenities, in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

22) No development shall be carried out on the land until details of secure cycle storage for all residential units has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of the relevant residential units.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

23) No development shall be carried out on the land until details of refuse and recycling storage for all parts of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be provided in accordance with the details so approved prior to the first occupation of the relevant residential units.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

24) No development shall be carried out on the land until an energy strategy, to include details of how the 'fabric first' approach set out in the hereby approved

Sustainability and Energy Statement (dated 07 January 2015), or other approach as may be agreed in writing by the Local Planning Authority, shall secure at least a 10% reduction in the total carbon emissions over the requirements of Part L of the Building Regulations has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To ensure the creation of a sustainable development, in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

25) The first floor level windows in the side elevations of unit nos. 164 and 158 shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

26) No extensions or external alterations shall be carried out to any of the dwellings hereby approved, despite the provisions of any Development Order.

In order to safeguard the residential amenities of existing and future occupiers of the development and surrounding properties in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

27) No development shall be carried out on the land until details of the specific locations of the proposed reptile fence has been submitted to and approved in writing by the Local Planning Authority. The reptile mitigation strategy shall be implemented in accordance with the recommendations contained in the hereby approved Reptile Survey (dated January 2016) and no development shall take place other than in accordance with the approved details.

In order to enhance the protect and enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

28) No development shall be carried out on the land until details of reptile enhancement works and a management plan for the proposed pond and surrounding open space has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the management plan and approved details.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development

permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

29) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site, including for breeding birds and bats shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

30) No development shall be carried out on the land until details of proposed external lighting, including street lighting, lighting to be attached to the buildings and any external lighting proposed elsewhere within the site, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, angles, levels of illumination, timing and any shields. No development shall take place other than in accordance with the approved details.

To safeguard neighbour residential amenity and the visual amenity and biodiversity value of the area in accordance with policies EN1, EN2, EN6 and GI1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

31) No development shall be carried out on the land until a landscaping scheme consistent with the hereby approved Landscape Strategy shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:

- a) trees and shrubs to be retained (including details of appropriate tree protection measures for the existing trees and shrubs shown to be retained);
- b) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible), density and size;
- c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- d) hard landscaping: including ground surfaces (including the Public Right of Way through the site), kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and
- e) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved

landscaping scheme which are removed, die, become severely damaged or diseased within fifteen years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. No development shall take place other than in accordance with the approved details and shall be maintained as such thereafter.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

32) No works of excavation shall take place until full details of the foundation design and no dig construction method for the hereby approved footpath/cycleway on the southern side of the access road has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

To secure the retention and long term health of existing trees as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

33) No development shall be carried out on the land until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. No development shall take place other than in accordance with the approved details.

To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

34) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details.

The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

35) No development shall be carried out on the land until details of a landscaping scheme for the proposed buffer planting strip to the rear of plots 150-158 has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:

a) trees and shrubs to be retained (including details of appropriate tree protection

- measures for the existing trees and shrubs shown to be retained);
- b) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible), density and size;
 - c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges; and
 - d) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within fifteen years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. No development shall take place other than in accordance with the approved details and shall be maintained as such thereafter.

To safeguard the residential amenities of neighbouring residents and to enhance the visual appearance and green infrastructure of the area as supported by policies EN1, EN2 and GI1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

36) No development shall take place until details of the hereby approved layby on Goldsel Road have been submitted to and approved in writing by the Local Planning Authority. These details shall include a timetable for implementation that is prior to the commencement of works on site. No development shall take place otherwise than in accordance with the approved details.

To safeguard the parking provision for these properties during and after the construction process and to protect the residential amenities of neighbouring residents as supported by policies EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

37) No development shall take place until details of a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband, high speed internet cabling and digital TV cabling has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby permitted.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local

Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

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

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice that led to improvements to the acceptability of the proposal.

RECOMMENDATION B: That in the event of a satisfactory legal agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation being completed no later than 27 May 2016 (or if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice), planning permission is REFUSED on the following grounds:-

- 1) In the absence of a completed S106 Agreement to secure the provision of

affordable housing and the provision, management and maintenance of land as public open space, the development would fail to provide suitable housing and necessary on/off site infrastructure and open space, contrary to policies SP3, SP9 and SP10 of the Sevenoaks Core Strategy, and Policies H2, G11 and T1 of the Sevenoaks Allocations and Development Management Plan.

Description of Proposal

- 1 Demolition of existing industrial and office buildings and redevelopment of site for 185 dwellings with associated parking and public open space.

Description of Site

- 2 The site comprises 3.46ha of previously developed land located directly south of Swanley town centre and to the east of Swanley rail station. The site is located on the east side of the B258 (Goldsel Road). A separate section of Goldsel Road leading from the main section provides access to the site.
- 3 The site is enclosed to the west by the large buildings associated with the Swantex Paper Mill, to the north by the railway line and to the south and east by residential development in Court Crescent and Waylands. The High Firs County Primary school also adjoins the site along a section of its southern boundary. The site upon which United House stands falls gently from west to east, before falling more steeply towards the eastern boundary.
- 4 The site currently comprises an area of existing commercial and industrial buildings. A considerable area of hard standing wraps around the depot building for loading and car parking. The site also includes a small area of greenspace along its south-eastern edge; this comprises amenity grassland, dense scrub vegetation (including an area which has overgrown the pond) and several stands of mature trees.
- 5 The site is known as and was formerly occupied by United House; a company that provides social housing, mixed use and high-end private residential new build, social housing refurbishment and urban regeneration across London and the south. Following a restructuring of the company the site is no longer required by the former occupiers and most employees have relocated to an office building (Media House) in Azalea Drive, Swanley.

Constraints

- 6 Urban confines of Swanley
- 7 Public Right of Way
- 8 Allocated Site

Policies

Core Strategy

9 Policies - L01, L04, SP1, SP2, SP3, SP5, SP7, SP8, SP9, SP10, SP11

Allocations and Development Management Plan

10 Policies - EN1, EN2, EN4, EN6, EN7, H2, EMP1, EMP5, GI1, T1, T2, T3

Other

11 National Planning Policy Framework

12 Planning Practice Guidance

13 Affordable Housing SPD

Relevant Planning History

14 15/00118/FUL: Demolition of existing industrial and office buildings and redevelopment of site for 201 dwellings with associated parking and public open space. Creation of a layby with 3 No parking spaces on Goldsel Road. Revised details received relating to location of layby, noise impacts, ecology, public open space and affordable housing. Refused 16.10.2015. at Appeal.

15 Reason for refusal 1: The proposed development, by reason of its layout and design would provide substandard accommodation that would be harmful to the amenities of future occupiers and prejudice the operations of the adjacent industrial use, contrary to the National Planning Policy Framework, Planning Policy Guidance, Noise Policy Statement for England and policies EN2, EN7, H2(b) and EMP1(n) of the Sevenoaks Allocations and Development Management Plan (2015).

16 Reason for refusal 2: The proposed development, by reason of creating additional traffic movements, would result in adverse travel impacts that would be harmful to existing highway congestion and amenity contrary to the National Planning Policy Framework and policies EN2 and T1 of the Sevenoaks Allocations and Development Management Plan (2015).

17 Reason for refusal 3: The proposed development, by reason of its density would result in overdevelopment of this site, which is compounded by the above reasons for refusal and its inability to accommodate further development on the site without harm. Given that the Council is meeting its housing targets, there is no need to exceed the level agreed in the Sevenoaks Allocations and Development Management Plan (2015) contrary to policy SP7 of the Sevenoaks Core Strategy (2011) and policies EN1 and H2(b) of the Sevenoaks Allocations and Development Management Plan (2015).

18 The above appeal is in progress and a material planning consideration in the assessment of this application. The Council's Rule 6 (Statement of Case) sets out the Council's position with regards to its defence of the appeal and confirms that in relation to reasons 2 and 3 above, and having regard to the Planning Inspectorate's Procedural Guide (dated 31 July 2015), the Council is not certain that it has a sufficiently strong case

capable of being argued at appeal and on this basis will not be offering any evidence to defend reason 2 relating to highways impacts or to defend reason 3 insofar as it relates to the District's housing supply at the appeal.

- 19 PA/14/01231: Request for a Screening Opinion (under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011) for a major residential development. Negative Screening Opinion - EIA not required.

Consultations

Swanley Town Council: (summary)

- 20 Object - loss of amenities at Court Crescent, noise pollution due to insufficient sound protection from neighbouring Swan Mill factory, increase in traffic movement, lack of infrastructure to cope with 185 new units, e.g. GP surgeries and school places.

Officer comment: see paragraphs 84, 65, 105, 122.

KCC Highways: (summary)

- 21 In terms of traffic generation, the impact on the local highway network, and the sustainable location on the site, that I have no objection on highway grounds to the proposed development. Recommend conditions to secure construction details and provision of access road and internal roads, vehicle and cycle parking, travel plan and construction management plan.

Officer comment: see relevant paragraphs 93-106 and recommended conditions 15, 16, 17, 18, 20, 21 and 22.

SDC Environmental Health Officer: (summary)

- 22 No objection subject to conditions to secure a phased contaminated land investigation comprising a Phase 1 (desk top) study, Phase 2 (intrusive) investigation, a remediation strategy and detailed verification report. Subject to implementation of the acoustic attenuation recommended in the acoustic report the proposal would be acceptable in terms of noise impacts.

Officer comment: see relevant paragraph 69 and recommended conditions 10, 11, 12 and 13.

SDC Planning Policy: (summary)

- 23 Density and number of units in accordance with policy SP7 of Core Strategy and policy H2(b) of ADMP. Recommend viability appraisal be independently reviewed with regard to affordable housing numbers and tenure split. Affordable housing offer reflects recently published Strategic Housing Market Assessment. Concern relating to quantum, type and location of open space which does not reflect development guidance. Welcome provision of footpath on southern side of site.
- 24 Concern regarding lack of re-provision of B1(a) office floorspace.

Officer comment: see relevant paragraphs 41, 47-50, 53-56.

SDC Tree Officer: (summary)

- 25 No objection to removal of trees identified. Recommend conditions to secure landscaping strategy. Little detail has been provided for the line of trees located adjacent to the drive boundary leading up to the site. These trees need to have lvy management carried out and an inspection to see if any pruning/maintenance is required. Also shown is a proposal to construct a footpath along this side of the driveway. I would prefer to see this removed from the proposals and argue if it is absolutely necessary. A footpath is shown on the opposite side of the road. The trees would benefit from being left undisturbed by building works within their rooting areas.

Officer comment: see relevant paragraphs 112-113 and recommended conditions 31, 32 and 35.

SDC Environmental and Operational Services: (summary)

- 26 Queries regarding accessibility of site by refuse service vehicles, suitability of road surface and location and size of refuse storage areas. Development of this size warrants space for a recycling bring-site for glass.

Officer comment: see recommended condition 23.

Natural England:

- 27 No objection.

KCC Ecology: (summary)

- 28 No objection subject to reptile mitigation strategy, recommended management plan, habitat enhancements for reptiles, breeding birds and bats and details of external lighting being secured by condition.

Officer comment: see recommended conditions 27, 28, 29 and 30.

Kent Wildlife Trust: (summary)

- 29 Recommend retention and management of existing trees adjacent to northern and southern boundaries via a site management plan. Recommend amendments to boundary treatments to permit movement of species and enhanced connectivity with the railway line.

Officer comment: see relevant paragraphs 109.

KCC Flood Authority: (summary)

- 30 No objection subject to detailed surface water drainage scheme and details of water infiltration being secured by condition.

Officer comment: see recommended conditions 6, 7, 8 and 9.

KCC Public Rights of Way Officer

31 No objection.

KCC Archaeology: (summary)

32 Notes a number of shortcomings in the archaeological assessment and on the basis that the site has moderate potential for prehistoric remains recommends a programme of archaeological work, including geoarchaeological assessment be secured by condition.

Officer comment: see recommended condition 4.

Kent Police Authority: (summary)

33 Recommend a condition to ensure Crime Prevention is addressed effectively.

Officer comment: see recommended condition 5.

Thames Water: (summary)

34 No objection with regards to sewerage infrastructure capacity and recommend impact studies of existing water supply infrastructure and a piling method statement be secured via condition.

Officer comment: see recommended conditions 33 and 34.

KCC Development Contributions: (summary)

35 Development will give rise to pressures on education, community learning, libraries and social care infrastructure. Recommend condition requiring provision of Superfast Fibre Optic Broadband.

Officer comment: see relevant paragraphs 120-124 and recommended condition 37.

Network Rail:

36 No response.

Representations

37 Three rounds of consultation were carried out. Notification letters were sent to the occupiers of 191 properties surrounding the site. Site notices and press notice were displayed. The statutory consultation period ended on 01.05.2016. 22 letters of objection received as summarised below:

- Lack of consultation;
- Reduction in dwelling numbers not significant;
- Site better suited to quality retirement flats;
- Cumulative impact of other development in the town;
- Inadequate road infrastructure and increased traffic and congestion;

- Insufficient parking;
- Likely displacement of parking into neighbouring streets;
- Single access road;
- Require balance of housing and employment;
- Inappropriate layout and density;
- Loss of trees;
- Replacement trees required;
- Overlooking and loss of privacy;
- Loss of light and overshadowing;
- Increased noise and light pollution;
- Pressure on local infrastructure, including schools, doctors and dentists;
- Proposals should be considered in context of Masterplan for the town;
- United House car park could be developed in the future;
- Potential for surface water run-off to flood surrounding properties;
- Impact on existing utilities, including water;
- Impacts and disruption from demolition and construction works;
- Concern regarding subsidence.

CHIEF PLANNING OFFICER'S APPRAISAL

38 The main issues requiring assessment relate to the principle of redevelopment of the site, including loss of the former employment use in the context of the adopted Development Plan, the proposed housing density, housing type and size, provision of affordable housing and open space. Pertinent to the acceptability of the proposals is whether the development is capable of providing adequate living conditions in the context of surrounding noise sources, and in turn would safeguard the existing and future operations of the adjacent industrial use, Swantex Paper Mill. Issues relating to design and layout, impact on the character of the area, local residential amenity, highways and parking, ecology, landscaping and energy also fall to be considered. Other matters, including land contamination, archaeology and infrastructure provision will be assessed.

Principle of development:

39 The site is located within the urban confines of Swanley, the second largest town in the District. Policy L04 of the Core Strategy is relevant for development in Swanley and sets out the vision for residential development in the town over the plan period. Policy L04 refers to the allocation of specific sites for residential, employment and open space development in the town in the Allocations and Development Management Plan (ADMP).

40 Formerly a protected employment area in the Sevenoaks District Local Plan (2000), the site was promoted for redevelopment for housing following an Employment Land Review in 2012 which found that the supply and demand of employment land within the district is broadly in balance over the long term. The loss of office and warehouse space on this site was considered to have a minor adverse impact in terms of overall employment land supply and the preferred option was considered to be a redevelopment of the majority of the site with new office space to be provided on the existing car park closest to Goldsel Road (outside of the current application site).

- 41 ADMP policy H2(b) was adopted in February 2015 and in recognition of the sites' sustainable location with good transport links allocates the site for a high density mixed use development. The site is listed as having an indicative capacity for 185 dwellings and 2,000sqm Class B1(a) office floorspace. This planning application only addresses the residential element of the allocation. Notwithstanding that no office space is proposed as part of this application, it only relates to one of the two parcels of land forming the site allocation. The concerns raised by Planning Policy Officers are noted; however there is no requirement that the site be brought forward in its entirety and on the basis that sufficient space would be retained for the provision of office space within the existing western car park this is considered acceptable and not in conflict with policy SP8 of the Core Strategy.

Housing density:

- 42 The provision of 185 dwellings would result in an overall density of 50 dwellings per hectare (dph) across the site (33dph excluding the flatted blocks to the north west) and would be consistent with the indicative site capacity identified in policy H2(b) of the ADMP. The proposal represents a reduction in dwelling numbers and density from the previous application. Subject to consideration of layout the proposed density is considered to be in accordance with policy SP7 of the Core Strategy, which expects development to achieve a density of 40dph, and in suitable locations close to Swanley town centre such as this, higher densities are encouraged. Higher density development will only be appropriate in relatively accessible locations where residents will have good access to services. The policy reflects this, varying density according to location. These proposals are considered to address the third reason for refusal of the previous application relating to inappropriate density and overdevelopment of the site.

Housing size and type:

- 43 Policy SP5 of the Core Strategy seeks new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. The policy specifically seeks the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) is also relevant and sets out the increased future need for three and four-bedroom dwellings. The proposed development would provide 185 dwellings, comprising 97 houses and 88 flats. The dwelling mix would be skewed towards smaller units (53% of the total would be in the form of one and two bedroom units) however there would also be good provision of three and four-bedroom dwellings (47%). The development would comprise 26 1-bedroom flats, 62 2-bedroom flats, 10 2-bedroom houses, 51 3-bedroom houses and 36 4-bedroom houses. The proposed dwelling mix and type is considered appropriate to the area and to its housing needs in accordance with relevant planning policy.

- 44 Comments relating to the suitability of the site for retirement accommodation are noted however in the absence of any planning policy requirement for the provision of such accommodation on the site this cannot be insisted upon and the planning application has to be assessed on the basis of the proposals submitted, which as identified above are considered to be acceptable in terms of dwelling type.

Affordable housing:

- 45 The Core Strategy acknowledges that the need to provide affordable housing is important for two main reasons; firstly to enable people who cannot afford to rent or buy on the open market to live in a home that is suitable for their needs and that they can afford, and secondly to provide housing for people working in different aspects of the local economy, thus underpinning economic activity. The provision of affordable housing on this site in the form of affordable rented and shared ownership housing would comply with national and local planning policy and would contribute to the objective of creating mixed and balanced communities.
- 46 Policy H2(b) of the ADMP refers to the requirement for affordable housing to be provided on the site in line with policy SP3 of the Core Strategy, which requires 40% affordable housing for residential developments of 15 dwellings or more, subject to viability. In addition, of the 40% affordable housing, at least 65% of the units should be social rented. The Affordable Housing SPD advises that a mix of dwelling tenure, type and size must be incorporated which reflect the site's characteristics and the development as a whole.
- 47 The planning application is supported by a viability assessment which concludes that the development is capable of providing 16% affordable housing. Consistent with the recommendation of the Planning Policy Officer the viability assessment has been independently reviewed by Adams Integra on behalf of the Local Planning Authority. The report by Adams Integra found that assuming a profit level of 17.5% on GDV (Gross Development Value) the provision of 30 units of affordable housing would result in a surplus of approximately £835,000 over the existing use value of the site of £5,900,000 and is the appropriate level of affordable housing to be secured on the site. This uplift is considered to represent a sufficient competitive return to incentivise the land owner and enable the development to be delivered consistent with the guidance contained in the NPPF.
- 48 30 units of affordable housing are proposed comprising 15 affordable rented units (representing 50%) and 15 shared ownership units (representing 50%). *The units would comprise 24 flats (8 x 1-bedroom and 16 x 2-bedroom) and 6 dwellings (4 x 2-bedroom and 2 x 3-bedroom).* A Registered Provider has been identified. The units would comply with relevant HCA space standards and benefit from allocated car parking and where necessary lift provision. The units would be distributed in two separate locations across the site and be designed in such a way as to be indistinguishable from the open market housing.
- 49 Although the 50:50 tenure split does not reflect the 65:35 split referred to in policy SP3, the provision of more shared ownership dwellings reflects the reduced value of affordable housing as set out in recent budget

announcements, including the reduction in rents by 1% per year to 2020 and the lowering of the Universal Credit allowance. As proposed the 16% affordable housing offer and tenure split is consistent with the previous application (albeit now comprising 30 units as opposed to 32) and reflects an appropriate mix of dwelling tenure, type and size and is supported by Housing Policy Officers.

- 50 Subject to an appropriate S106 legal agreement to secure the provision of the affordable housing the provision would comply with relevant national and local planning policy in terms of quantum and tenure mix.

Quantity, quality and location of open space

- 51 With regard to open space and green infrastructure the PPG states that “...it [open space] can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure as well as being an important part of the landscape and setting of built development”. Policy SP10 of the Core Strategy seeks open space to serve residential development proposals in areas where there is an existing shortage in open space provision either through on site provision or a financial contribution to off site provision. The Open Space, Sport and Recreation Study (2009) identifies this area south of the railway line as deficient in parks and gardens. Additionally the Swanley area has fewest sites for children and young people. This is further identified in policy LO4 which places an emphasis on providing additional public open space where opportunities arise, acknowledging that Swanley is less well-served with open space than other parts of the District. Policy G11 of the ADMP is also relevant and relates to the provision of green infrastructure.
- 52 Policy H2(b) refers to the requirement for open space to be incorporated into the development and laid out through the centre of the site with a safe and direct connection to the existing footpath which runs through the site. The site allocation also refers to the provision of a dense landscaped edge providing a suitable buffer to the adjoining use abutting the employment site to the northwest. The open space should also include landscaped amenity space and a central space for informal recreation such as a kick about area. The allocation refers to the requirement for open space to be overlooked by residential development.
- 53 Approximately 0.41 ha of open space is proposed in the form of recreational open space at the entrance to the site and biodiversity open space to the north east of the site. This is consistent with the proposals for the previous application (ref. 15/00118/FUL). The quantum and layout of the open space differs from that shown on the indicative plan contained in policy H2(b), specifically in relation to the provision of a buffer strip abutting the adjoining industrial premises northwest of the site. Whilst it is important to note that the site allocation is not prescriptive and does not comprise a design brief, the applicant confirms this option was considered and discounted on the basis that it failed to provide the most appropriate design solution for the site.
- 54 Specifically the erection of buildings and creation of car parking adjacent to the boundary with the industrial site rather than open space provides a

visual and acoustic buffer for the remaining development. Furthermore, the layout of the open space indicated in the site allocation would necessitate dwellings facing the industrial site to facilitate natural surveillance of the open space. Such a layout would necessarily expose dwellings to greater noise impacts from the industrial site and be unlikely to provide satisfactory internal living environments for future occupiers. This would raise the likelihood of generating noise complaints thereby prejudicing the future operations of the industrial use.

- 55 As proposed the recreational open space would be easily accessible to existing residents via the existing footpath connecting Goldsel Road and Court Crescent which would be maintained and enhanced by the provision of a new footpath/cycle way on the southern side of the road. In this location the proposed play area would also benefit from high levels of natural surveillance from the adjacent residential units.
- 56 The open space to the east would incorporate pathways and seating overlooking the enhanced pond and habitat areas and although located on sloping land would include a flat meadow area that could be used for informal recreational purposes. This open space would also incorporate the existing balancing pond to allow for the collection and attenuation of surface water run off. The concerns raised by the Planning Policy Officer are noted; however the proposed layout is considered to make an efficient use of this important brownfield site and for the reasons referred to above the public open space is considered to be acceptable in terms of layout, quantum and quality and to comply with relevant planning policies.

Noise:

- 57 Paragraph 123 of the NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It should also be recognised that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 58 The PPG advises that, in determining noise impact, decision-takers should take into account the acoustic environment and consider whether or not a significant adverse effect or an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. A significant adverse effect is defined in the Noise Policy Statement for England (NPSE) as the level above which significant adverse effects on health and quality of life occur. The NPSE confirms it is not possible to have a single objective noise-based measure that defines a significant adverse effect level that is applicable to all sources of noise in all situations. Consequently, the significant adverse effect level is likely to be different for different noise sources, for different receptors and at different times.
- 59 The PPG sets out a noise exposure hierarchy consistent with the NPSE. It states that in situations where there would be an observed adverse effect, where noise would be perceived as noticeable and intrusive, noise should be mitigated and reduced to a minimum. In situations where there would be a significant observed adverse effect, where noise would be perceived as

noticeable and disruptive, noise should be avoided. The PPG states that where a significant adverse effect is observed, the noise can cause a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. There is also the potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep.

- 60 At a local level, policy EN7 of the ADMP states that development will be permitted where it would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and where development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. Similarly, policy EN2 of the ADMP requires the provision of adequate residential amenities for existing and future occupiers by ensuring that development is not located in areas where occupiers of the development would be subject to, amongst other criteria, excessive noise.
- 61 The application site shares its north-west boundary with Swantex Paper Mill, an existing industrial site cited in policy EMP1 (n) as one of the District's employment sites to be retained, intensified and regenerated for B1-B8 uses. The site shares its north boundary with the railway line. Road traffic noise from the A20 is also audible from the site. Site specifically, policy H2(b) of the ADMP acknowledges the importance of protecting the operational requirements of Swantex Paper Mill and states that the design, layout and orientation of the residential buildings will be crucial to ensuring the development of a satisfactory scheme.
- 62 To assess the impact of the existing industrial use on the proposed dwellings, a noise impact assessment has been submitted. This has been updated to address the first reason for refusal of the previous application and includes further surveys (to include previously omitted noise from two diesel engines which run an emergency sprinkler system). The parameters of the noise surveys (which include allowances for flexibility on future noise emissions in accordance with paragraph 123 of the NPPF) have been shared with the operators of Swantex Paper Mill.
- 63 The assessment has been undertaken in accordance with BS4142: 2014 *Methods for rating industrial and commercial sound*. The British Standard provides a method whereby the likelihood of complaints due to noise from industrial sources can be assessed. The parameters of the noise impact assessment, including surveys to establish baseline noise conditions at representative locations were agreed between the applicant and a noise consultant acting on behalf of Swantex Paper Mill. In addition to baseline survey data collected over an extended period, specific noise source data was collected. The noise source data is considered to present worst case conditions of operational activities at the industrial site, including with windows overlooking the application site both open and closed and noises from reversing alarms and klaxons, clamp truck movements and loading and

unloading of lorries recorded. No objection has been raised by the Environmental Health Officer to the data, assumptions or overall results predicted.

- 64 To assess the likely impact of noise on the living conditions of future occupiers of the development the assessment refers to both BS8233: 2014 *Guidance on sound insulation and noise reduction for buildings* and the World Health Organisation's (WHO) *Guidelines for Community Noise* (1999). Both documents provide recommended guideline values for internal noise levels within dwellings. The assessment (based on a worst case assumption that all activities are occurring continuously throughout a 16 hour daytime and 8 hour night-time period) confirms that noise associated with typical operations at Swantex Paper Mill would result in some significant adverse and some adverse effects at the facades of a number of proposed dwellings.
- 65 In recognition of the identified noise effects and the first reason for refusal of the previous application a number of additional noise mitigation measures have been proposed. These have been shared with the operators of Swantex Paper Mill and include changes to the design of buildings to replace dual aspect dwellings and private gardens with single aspect flats with non-noise sensitive facades adjacent to the boundary with Swantex Paper Mill, increases to wall and roof construction build-ups to increase sound reduction performance, the incorporation of sound attenuating glazing and ventilation strategies, a reduction in number of windows with line of sight to the industrial site and erection of a 4m acoustic barrier to the boundary with Swantex Paper Mill. It is noted that the provision of mechanical ventilation is commonly accepted as an appropriate means of achieving a satisfactory living environment. The principle of mechanical ventilation was accepted by the Planning Inspector in determining the appeal for development at Land at Broom Hill, Swanley, stating that *'while some houses may need mechanical ventilation, this could be a benefit in terms of improved thermal efficiency within the houses and not to be seen as a problem'*.
- 66 The assessment demonstrates that the implementation of these mitigation measures would achieve compliance with the internal noise level criteria agreed between the applicant and representatives of Swantex Paper Mill which are identified as being significantly more onerous than the internal and external noise level criteria set out in BS8233: 2014 and WHO guidance.
- 67 The potential impact of the development on the operations of Swantex Paper Mill is a material consideration and the proposal incorporates measures to reduce the potential for future conflict between the two sites. Although it is not possible to rule out the possibility of future residents of the site complaining regarding local industrial uses, it has been established that the living conditions within the proposed dwellings would be acceptable and this is relevant to the question of whether complaints are likely. On this basis it is not considered that the proposed residential development would result in any pressure to curtail or restrict the current or future activities of the existing industrial use in accordance with the requirements of the NPPF and policy EN7 of the ADMP.

- 68 In summary, the application site is subject to noise from numerous sources, including industrial, rail and road noise. Baseline noise surveys and detailed noise modelling using worst case operational conditions at Swantex Paper Mill demonstrate that, subject to appropriate mitigation to secure adequate internal noise levels, the proposed dwellings would provide an appropriate internal acoustic environment and that a good standard of amenity could be achieved at the site consistent with the requirements of the PPG and NPSE. As required by policy H2(b) the site layout and design responds to the constraints posed by the surrounding noise sources. Specifically, the area immediately adjacent to the Swantex Paper Mill would comprise parking and the provision of higher density development towards the west of the site affords the opportunity to create an acoustic barrier with the remainder of the site.
- 69 In accordance with the recommendations of the Environmental Health Officer it is considered necessary to require submission of a comprehensive scheme of acoustic protection for the site and, prior to occupation of any of the dwellings, an acoustic verification report to demonstrate the acoustic protection measures are effective. It is considered that the necessary acoustic mitigation measures and internal living environments are capable of being achieved without requiring revisions to the layout of the development and as such these details could be secured by appropriate condition.
- 70 On the basis of the above the proposals are considered to address the first reason for refusal of the previous application relating to noise impacts.

Design and impact on the character and appearance of the surrounding area:

- 71 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment; ‘Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’. Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 72 The effect of the development upon the character and appearance of the area includes the effect of all buildings, car parking areas, grounds and landscaping within the development proposal. With the exception of the large buildings to the north and west of the site, the site is currently open and comprises large areas of hardstanding and scrub. The redevelopment of the southern, central and eastern parts of the site would therefore result in a fundamental change to its character and appearance; however in the context of the site having been allocated for residential development in the ADMP, there is no in principle objection to this change.
- 73 Due to a combination of the topography and boundary screening, views of the built development on site from the residential estate to the south and

east are largely limited in the summer months. Similarly, the site is screened from public views from the north-west due to the presence of the buildings associated with Swantex Paper Mill directly adjoining the site. Due to the continued land fall beyond the site's boundary to the east, longer distance views of the site and its surroundings are achievable from the south and east of Swanley.

- 74 The proposal would present a hierarchy of built form with four main four-storey blocks located adjacent to the entrance to the site and adjacent to the site's western boundary with Swan Mill. The larger scale and higher density of these blocks would be compatible with the bulk of the industrial buildings to the north and would provide a strong sense of enclosure for the remaining development. The scale of built form would reduce beyond the entrance square to integrate with the established residential areas to the south and east. The built form towards these boundaries would be laid out in a perimeter block formation and comprise a mixture of two-storey terraces and detached and semi-detached dwellings, with some three-storey town house terraces to reflect the general pattern of semi-detached and terraced dwellings in Court Crescent and Waylands.
- 75 The proposed buildings would feature a variety of plot widths, building heights and roof forms to add visual interest to individual streetscenes. The incorporation of squares and extensive landscaping would help create a strong sense of place and the use of contemporary feature elements and a limited palette of robust traditional materials (including facing bricks and slate tiles) would give the development a strong and unified identity. In summary the development would be sympathetic in terms of scale, massing and materials and would not appear incongruous or out of keeping with the wider surroundings.
- 76 With the exception of the replacement of five terraced dwellings with flats adjacent to the boundary with Swan Mill, the removal of courtyard parking and the replacement of terraced dwellings with semi-detached and detached dwellings elsewhere on the site, the proposed layout and design is consistent with the previous application (ref. 15/00118/FUL).
- 77 The application is also supported by a Landscape and Visual Impact Assessment (LVIA) which aims to determine the likely impacts of the proposal on existing landscape character. Paragraph 007 of the Design section of the NPPG states that planning should promote local character, including landscape setting. It considers that *“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local manmade and natural heritage and culture, while not preventing or discouraging appropriate innovation. The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.”* It also states that *“When thinking about new development the site's land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of*

place. Views into and out of larger sites should also be carefully considered from the start of the design process.”

- 78 In terms of landscape context, the site is located close to the town centre and as such forms an integrated part of the urban environment; however Swanley is located on a localised ridgeline and therefore there remains a degree of inter-visibility between the urban environment (including the site) and its setting in the wider countryside to the south-west, south, east and north. Existing road and rail infrastructure is also influential on the character of the area. There are no designations associated with the site; overall the landscape surrounding the town is generally considered to be a fringe landscape which is determined by local character assessment to be of varying condition and sensitivity. There are, however, some areas to the south of the town which are more sensitive in landscape terms.
- 79 The LVIA is based upon 10 representative viewpoints, all of which were agreed with the Council. These viewpoints have been used to identify potential constraints and adverse impacts arising from redevelopment of the site, including from local visual receptors (particularly local residential receptors and also receptors using the PROW network in the wider countryside). Equally opportunities have been identified, including to enhance the existing built form of the site and to provide landscape features.
- 80 The LVIA identifies that in terms of landscape impacts the proposal is likely to result in loss of some existing landscape elements on site, including a number of existing trees along the south-western edge of the site and also some smaller losses of vegetation groups within the site. Notwithstanding this limited and localised harm, the LVIA identifies that other specific changes in terms of landscape elements and features will be positive; including the implementation of strategic landscaping across the site associated with green infrastructure, open space and the street scene. Other landscape impacts will be limited to the change in the land use of the site, from the existing industrial use to that of a permanent residential use. As proposed it is considered that the site will read coherently with the existing residential areas of Swanley and will be consistent with the settlement pattern of the area. The proposed flats are likely to be larger scale than some of the surrounding built form however these will help to screen the areas of the existing industrial estates which are located to the north of the site. The LVIA concludes that the proposals would be unlikely to result in changes to the landscape character of the surrounding countryside as the wider urban environment will remain influential and any indirect impacts on these areas of character will be limited.
- 81 In terms of likely visual impacts, these would be limited to a range of receptors in the local context of the site. The LVIA identifies that there would be views of the site from the residential areas immediately adjacent to the site; however in the surrounding urban area (including both roads and residential areas) views to the site tend to be screened by the presence of other built form. Open spaces on the fringes of the area, where built form is less dense, will have partial views to the taller units of the development; however these would be seen in the existing baseline context of residential

development. In the landscape surrounding Swanley there are a number of Public Rights of Way (PROW) which have views toward the urban area and the site. Views of the site currently include the existing industrial units which would be replaced with a new built form and layout which is more consistent with the wider residential character. Taller elements of the proposal will be visible however from some locations and these units will help to screen views of the retained industrial buildings immediately north of the site. Views from the northwest of the town tend to be screened by landform and vegetation. Views from the south and south west of the town tend to be more open and direct to the existing urban area and due to the modest size of the site in comparison to the wider context of the urban area, the potential impacts will be limited.

- 82 In summary it is considered that the proposed development has been designed to respond to the local landscape, including through the appropriate definition of the development envelope, proposed layout and treatment of green infrastructure. As per the previous application I concur with the conclusions of the LVIA that the form and scale of the proposed development offers a sensitive response to the various constraints and opportunities identified. The proposal is considered to represent a very limited impact on the site and surrounding area and as a result is considered to be acceptable in landscape and visual terms in accordance with relevant planning policy. This would be consistent with the recommendation for the previous application.

Residential amenity:

- 83 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light.
- 84 The proposed layout is largely consistent with, albeit at a lower density than the previous application where impacts on residential amenity were fully assessed and found to be acceptable. The site is bounded to the south west by 15-43 Court Crescent and High Firs County Primary School and to the south east by 21-37 and 55-75 Waylands. To the south west there would be no additional built form beyond the rear of 15-19 Court Crescent and the proposed built form beyond the rear elevations of 21-39 Court Crescent (comprising units 1-24) would be two and three-storeys in height. These buildings would be set back beyond the footprint of the existing buildings at a distance ranging between 33m and 47m and beyond the existing access road to be retained. Units 183-185, comprising two-storey semi-detached/end of terrace dwellings would be located between 29m and 33m beyond the rear elevations of 41 and 43 Court Crescent. By reason of the separation distance, likely effects of proposed boundary planting and

orientation of buildings there would be no harm to the residential amenities of these properties in terms of loss of light, outlook, privacy or sense of enclosure. Units 164-183 would be located adjacent to the High Firs County Primary School building and playing field and the proposed development, by reason of its two-storey height would have no impact on the operation of the school. Notwithstanding the acceptability of the development once completed, it is recommended that details of a scheme to minimise construction noise disturbance during term time at the school be required by appropriate condition.

- 85 To the south east the side elevations of units 164 and 158, the rear elevations of units 159-163 and parking areas would border the rear gardens of 21-37 Waylands at a distance of between 23m and 34m from the rear elevations of the existing houses and on the same building line as 55 Waylands. The proposed buildings would be set on higher ground than the existing buildings in Waylands and would include the loss of views and change in the nature of the existing open aspect from the rear elevation of these dwellings into the site. Notwithstanding that there is no planning right to a pleasant view and that the land is allocated for residential development, the proposed development on this boundary would be confined to three parts (equating to 43m of built form), and retain 51m of open gaps, allowing longer views between. The development would not be harmful to the immediate outlook from existing dwellings and would result in a comparable relationship to those normal within residential areas and as existing between 39 and 55 Waylands and 41 and 53 Waylands. Subject to a condition requiring the first floor level windows in the side elevations of the nearest units (nos. 164 and 158) to be obscure glazed and fixed shut the development would not result in unreasonable loss of privacy, or any harmful loss of light or sense of enclosure to the residential amenities of these occupiers that would justify refusal of planning permission.
- 86 Nos. 55 and 57 Waylands are the two properties located closest to the boundary of the site; their side elevations being parallel with the boundary and set back by 4m. Units 150-158 would comprise two-storey dwellings and be located at right angles to these dwellings at a distance of 16m from their side elevations. Although in relatively close proximity, any overlooking in the case of 55 Waylands would be of the front garden which is readily visible from the street, and the side elevation which contains no windows. I therefore conclude there would be no harm to the residential amenities of this property. In the case of 57 Waylands, units 152 and 153 (comprising two-storey dwellings) would be located at right angles to the side elevation of this dwelling. There is a single window in the first floor side elevation of this building; however by reason of its size it is unlikely to serve a habitable room. Units 150 and 151 would be located at right angles to the rear garden at relatively close range and at a slightly elevated position. Whilst there would inevitably be some loss of privacy from the first floor level bedroom windows to the rear garden of 57 Waylands in particular, and to a lesser degree the gardens beyond, this would be tempered by the existence of a single storey outbuilding in the rear garden of this property and proposed boundary planting. On this basis the relationship is considered to be acceptable. The angles between buildings are such that there would be no loss of privacy to the rear facing windows of this dwelling.

- 87 Subject to appropriate noise mitigation, the future occupiers of the proposed dwellings would benefit from adequate internal living environments. Notwithstanding this and by reason of the layout and density of the dwellings, it is recommended that permitted development rights for extensions and external alterations be withdrawn by appropriate condition to ensure that the Local Planning Authority retains control over potential residential and visual amenity impacts from any additional development on the site. Whilst policy SP5 of the Core Strategy seeks the provision of an increased proportion of housing designed to the lifetime homes standard that can be readily adapted to meet the needs of older people and people with disabilities this is not a policy requirement and on the basis that it has not been offered by the applicant it cannot be secured.
- 88 The objections related to impact on amenity from local residents and the Town Council are noted and specific impacts from the built form on individual properties have been assessed. Although the character of a residential use would be different to the existing commercial use of the site, and would have some effect upon some local residents, the intensity of the use and associated activity would be unlikely to be more harmful than the lawful use of the site. The potential impacts on residential amenity arising from noise, light and air pollution also need to be considered.
- 89 In terms of noise pollution, policy EN7 of the ADMP states that proposals will be permitted where development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties. As existing the site is subject to a number of external noise sources, including from the adjacent Swan Mill commercial site and railway line. Occupiers of existing dwellings surrounding the site are subject to these noise sources as well as the potential noise that could be lawfully generated from the unrestricted use of the site itself. The redevelopment of the site to provide residential dwellings has been judged to be an acceptable use of the land and would not result in noise emissions that would cause demonstrable harm to residential amenity or give rise to significant adverse impacts on health or quality of life as required by paragraph 123 of the NPPF and policy EN7 of the ADMP.
- 90 In terms of light pollution, paragraph 125 of the NPPF states that by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Policy EN6 of the ADMP states that proposals for lighting that affect the outdoor environment which meet various criteria will be permitted, including that for lighting associated with a wider development it would be well integrated within the scheme (a) and that any impact on the night sky would be minimised (b). The submitted Design and Access Statement refers to the provision of 'limited public street lighting where required, bollard lighting and on-plot security lighting'. Although no further details have been submitted it would be reasonable to require a detailed and well integrated lighting strategy, to include details of time limited and user activated lighting, provision of shielding and lighting type and intensity to be submitted for assessment. As noted above the

redevelopment of the site to provide residential dwellings has been judged to be an acceptable use of the land. The site does not lie within an intrinsically dark landscape but within the urban confines of Swanley and adjacent to residential streets that benefit from street lighting and contribute to sky glow in the night sky. The principle of sensitive external lighting is considered to be acceptable and capable of safeguarding the privacy and amenity of nearby residential properties in accordance with the NPPF and policy EN6 of the ADMP.

- 91 The site does not lie within an Air Quality Management Area.
- 92 Taking all of the above factors into account, whilst there would be impacts arising from this development in terms of factors such as outlook, noise and activity, vehicle movements and relationships between buildings, I do not consider that these impacts would be likely to cause unacceptable living conditions to existing properties. In any event they would be less than the impacts arising from the previous application for 201 dwellings. In this respect, I do not consider that the development would be in conflict with the NPPF or policy EN2 of the ADMP and that the impact of the proposal on residential amenity would be acceptable.

Highways and parking:

- 93 The NPPF sets out 12 core land-use planning principles that it states should underpin plan-making and decision-taking, including actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 94 Criteria d) of policy EN1 of the ADMP requires a satisfactory means of access for vehicles and pedestrians and for provision of adequate parking and refuse facilities. Criteria f) and g) also require the design and layout of spaces, including footways to be permeable and provide connectivity with neighbouring areas and to provide safe and secure environments. Criteria h) requires the design of new development to be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities.
- 95 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 96 It has been established that the site comprises an existing Class B1 / B2 / B8 commercial use, within the urban confines of Swanley and is suitable for residential development. The site is located in a highly accessible location within walking distance (600m) of the railway station (7.5 mins) and regular bus routes (5 mins), the town centre (9 mins) and local schools (6-15 mins). As such the site is capable of promoting less reliance on the car.

- 97 Whilst it is acknowledged that the site is now vacant, it has been active within the last two years and consideration of the traffic impact of the proposal needs to consider the additional traffic generated over and above that which could be lawfully generated by the uncontrolled employment and warehouse use, as opposed to the total generated from the new development in isolation. The fallback position of the lawful use is a material consideration.
- 98 The existing access road to the development from Goldsel Road comprises an un-adopted cul-de-sac which is approximately 6m wide with a narrow footway on the north side and a wide verge and hedge on the south side. This road connects with the main section of Goldsel Road via a wide bellmouth junction. On exiting the site, visibility to the north east (towards Swanley town centre) is safeguarded by the double yellow line parking restrictions in place. Reasonable visibility is afforded to the south west (towards Crockenhill) by the parking restrictions that extend to approximately 18m from the junction. In recognition of these circumstances and in the absence of any crash records for the junction the site is considered to benefit from adequate visibility in both directions. The bellmouth is laid out to appropriate standards and no improvements to the access are required or proposed. The main section of Goldsel Road is a classified road subject to a 30mph speed limit. The existing access road runs straight for a considerable distance and by reason of the double yellow lines restricting on-street parking encourages higher traffic speeds. The use of this access for the proposed development would be in accordance with policy H2(b) and the proposed incorporation of traffic calming in the form of a pinch point at the centre to help reduce traffic speed and enhance highways safety would be welcomed. A new shared off-carriageway cycleway / footway is also proposed along the southern side of the road to connect with the footpath leading to Court Crescent. This would encourage travel by non-car means; which in this accessible location presents a viable alternative.
- 99 The Transport Assessment includes a junction impact analysis for three key junctions, including the site access road/Goldsel Road junction, B258/Goldsel Road mini-roundabout junction and the High Street/Swanley Lane roundabout junction. The Highways Officer notes that there has been no offset or reduction of traffic flows when assessing the three junctions to account for the potential existing uses so if anything the impact given for the three junctions is very much a pessimistic forecast. Despite this the traffic impact related to existing measured traffic flows is minimal at the Goldsel Road / High Street roundabout (3.1% increase in the am peak and 3.5% increase in the pm peak) and the High Street / Swanley Lane roundabout (1.9% increase in the am peak and 2.2% increase in the pm peak) both calculated for the forecast year of 2020. It is generally accepted that any increase of less than 5% is considered insignificant and certainly not enough to cause severe congestion. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case the cumulative impacts would not be severe.

- 100 The likely trip generation from the proposed development is expected to be 87 vehicles in the am peak (reduced from 95 in the previous application) compared with the potential generation of 124 vehicles should the business uses be fully operational; a reduction of 23%; and similarly in the pm peak the expected trip generation in the pm peak would be 92 (reduced from 102 in the previous application) compared with 88 for the existing use; an increase of 4% (reduced from 16% in the previous application). The percentage of HGV's included in those figures would be considerably less although it must be remembered that the primary flows will be in opposite directions i.e. am out and pm in rather than vice versa for industrial uses. However, the overall numbers mean that these changes are only minor and not significant.
- 101 The proposed layout comprises a series of linked squares, with the first entrance square acting as a transition between a more formal layout and the shared streets approach of the proposed internal layout. The layout would facilitate a low speed environment which would broadly comply with the recommendations of Kent Design and the NPPF which seeks to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones (areas that through their design give pedestrians priority over vehicles by restricting traffic speed, including high quality hard paving, a strong feeling of enclosure, minimal front gardens and highway tree planting). It is recommended further details of the internal road layout be secured by condition.
- 102 Resident parking would be provided as a mixture of on-plot spaces, frontage and courtyard parking in accordance with the current Kent County Council parking standards. The parking would equate to an average of 1 parking space per flat, 1-2 spaces per 2-bed dwelling, 2 spaces per 3-bed dwelling, 2-3 spaces per 4-bed dwelling and additional visitor parking throughout the site. Secure cycle parking would also be provided. In response to consultation a layby to provide parking for three cars is proposed on the southern side of the access road to the north of 31, 33 and 35 Goldsel Road. Whilst residential developments over 50 units should normally incorporate an emergency access, this site is landlocked and so this is not possible. However the looped form of the development layout together with the wide access makes this acceptable.
- 103 A Travel Plan Framework has been submitted setting out a long-term management strategy to deliver sustainable transport objectives on the site. Subject to a condition requiring this to be developed into a full Travel Plan prior to first occupation, with appropriate review and monitoring mechanisms, the Travel Plan would fulfil the objective of encouraging sustainable travel by non-car means.
- 104 Subject to appropriate conditions the development is capable of incorporating facilities for electric vehicle charging in accordance with policy T3 of the ADMP.
- 105 It is noted that a number of objections refer to the potential highways impacts of the development, however these concerns are not supported by the technical advice provided in the Transport Assessment or the highways

authority which are consistent in their views that the development would not prejudice highways safety or result in unacceptable congestion. Swanley Town Council's concerns regarding the increase in traffic movements is noted, however the proposed development would replace an existing traffic generator in a highly sustainable location and would not result in an unacceptable increase in traffic movements or congestion in the local area.

- 106 In summary, the proposed development would not generate significant additional traffic movements and as a proportion of overall traffic on local roads would have a minimal impact on the operational capacity of the local highway network. In the morning peak hours there will be a small reduction in traffic to and from the site although in the evening peak hours there will be a small increase (reduced from the previous application). The development would be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The development would be designed to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians and establish the concept of home zones. It is considered that these proposals address the second reason for refusal of the previous application.

Ecology and biodiversity:

- 107 Policy SP11 of the Core Strategy states that the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value. The area surrounding the site is made up of arable farmland, a golf course, open green spaces and residential developments. Surrounding the site's red-line boundary are industrial uses, a railway, school, residential properties and associated gardens.
- 108 The application is accompanied by a Phase 1 Habitat Survey dated December 2014. The Phase 1 survey identified habitats that could be potentially used by a range of European protected species, including reptiles and great crested newts (GCNs).
- 109 In accordance with the recommendations of the Phase 1 Survey, a reptile and GCN survey has been undertaken and submitted in support of the application. No evidence of GCNs was found during the surveys undertaken in March 2015 and it is therefore concluded that the site is not constrained by GCNs and no mitigation is required. An 'exceptional' population of slow worms was however surveyed and the survey makes a number of recommendations for a suitable mitigation (including translocation) and enhancement strategy. KCC Ecology are satisfied with the results of the surveys and recommend that the proposed mitigation strategy and enhancements for reptiles, breeding birds and bats, including details of a site management plan and external lighting, be secured by appropriate conditions. The comments made by Kent Wildlife Trust are noted and whilst some of their recommendations are capable of being secured, including the protection of existing trees and provision of native planting, other recommendations are not. The retention of management strips adjacent to the boundary with the railway land and school for example would not be considered reasonable or necessary on the basis that the gardens in these

locations are limited in size and the adjacent land provides for an element of ecological connectivity.

- 110 Natural England have raised no objection to the development. The proposed development will not only protect but provide a net gain in biodiversity and ecological value in accordance with section 11 of the NPPF and policy SP11 of the Core Strategy and would be consistent with the recommendation for the previous application.

Trees and landscaping:

- 111 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases.
- 112 As existing the only areas of soft landscaping of note are the linear planting along the raised bank adjacent to the southern boundary and to a lesser extent the south eastern area of the site. The proposed development would result in the removal of 24 low quality (Category C) trees and 6 moderate quality (Category B) trees. The trees located on the raised bank are generally in poor condition and the majority are shown to be removed. There are a few mature trees shown to be retained along with a planting programme which all appears to be acceptable. The south eastern area is shown to be built upon. There are no trees of amenity value located on this section and the tree officer raises no objections. New tree planting adjacent to the boundaries appears adequate for the site, but it is recommended details of further tree planting within the site be secured by condition. The Tree Officer has queried the requirement for a footpath adjacent to the southern boundary of the access road. Although there would be a footpath and crossing point on the northern side of the road, the provision of footpaths on both sides would enhance the accessibility of the development and it is considered that subject to details of a no dig construction method within the root protection areas (as considered acceptable in the previous application) the nearby trees are capable of being adequately protected.
- 113 The proposed development offers the opportunity to significantly enhance the quantum and quality of soft landscaping on the site, which as existing comprises large areas of hardstanding. Subject to appropriate conditions to secure the above details and implementation of the landscaping strategy the proposed development would significantly enhance the appearance of the site and its setting and would be consistent with the recommendation for the previous application.

Energy and sustainability:

- 114 The core planning principles of the NPPF include supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources. In addition, Paragraph 95 of the NPPF advises that local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions. Significantly, it also advises that any local requirements for the sustainability of buildings should be

consistent with the Government's zero carbon buildings policy and that nationally described standards should be adopted.

- 115 The most relevant nationally described standards are those in Part L of the Building Regulations, which have been subject to significant amendment by imposing more rigorous energy performance standards for buildings as part of the move towards a low carbon future. Furthermore, the Government has made clear its intention to rely on a 'Buildings Regulations only' approach, with no optional additional local standards in excess of those in Part L, most notably in the written ministerial statement and supporting note (published on 13 March 2014) setting out the outcome of the consultation on the Government's 'Housing Standards Review' and in paragraph 009 of the PPG which includes amongst its advice the provisos that any local requirements will need to be based on robust and credible evidence and that planning authorities will need to take account of Government decisions on the Housing Standards Review.
- 116 Policy SP2 of the Core Strategy is also relevant and states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible. The policy seeks to achieve this through, amongst other measures, developments being required to comply with Code for Sustainable Homes standards to include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
- 117 The planning application is supported by a sustainability statement stating that the development intends to take a 'fabric first' approach. The fabric first approach would provide initial in-built construction and design measures for improving energy efficiency to reduce buildings' energy demand over their lifetime. The carbon dioxide emissions savings achieved through fabric first measures enable savings to be made throughout the lifetime of the whole development, rather than the life of 'bolt on' renewable technologies, for example solar pv. The dwellings would therefore be designed to reduce overall energy and carbon dioxide emissions by reducing energy consumption through high quality design and material specifications, orientation, lighting, heating requirements and air tightness; and by including low energy and high energy efficient domestic appliances and heating systems.
- 118 Although not in strict accordance with the requirements of policy SP2, elements of this policy, including the specification of Code for Sustainable Homes standards and a target for energy generation from on-site renewable sources does not accord with paragraph 95 of the NPPF or recent Government advice. It is considered that the proposed fabric first approach would be capable of meeting or exceeding the national and local policy objectives in terms of achieving higher energy efficiency, greater resilience and reducing carbon dioxide emissions, than requiring 10% of the total energy requirement to come from renewable energy. The development would be capable of exceeding the current requirements of the Building

Regulations and according with current national policy guidance in relation to energy efficiency and sustainability. In seeking to address the causes of climate change by reducing carbon emissions the proposal would also accord with an overall aim of policy SP2 of the Core Strategy. It is recommended that further details of the measures proposed to secure the carbon reductions set out in the statement be secured by appropriate condition. This would be consistent with the recommendation for the previous application.

Archaeology:

- 119 The site has been identified as having potential for prehistoric remains. Policy EN4 of the ADMP seek to ensure the preservation of important archaeological remains. The site lies on Oldhaven, Blackheath and Woolwich Beds from which some Palaeolithic artefacts have been located. There are two find-spots to the north west. The site also lies on the east facing slope of a dry valley, with Head Deposits to the east. This dry valley could have been a favourable area for prehistoric occupation. The application is supported by an Archaeological Deskbased Assessment by SWAT which the Archaeological Officer notes has a number of shortcomings. In view of the prehistoric potential of the site the Archaeology Officer does not agree with the recommendations of the Archaeological DBA. On the basis that there is moderate potential for prehistoric remains on the site I consider it reasonable that a programme of archaeological work, including geoarchaeological assessment would be appropriate and should be secured by appropriate condition. This would be consistent with the recommendation for the previous application.

Infrastructure:

- 120 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District. The Council has produced the following list of infrastructure types that will be funded through CIL receipts (known as the Council's Regulation 123 List) and includes infrastructure referred to by local residents in their consultation responses to this development proposal -
- Transport schemes other than site-specific access improvements;
 - Flood defence schemes;
 - Water quality schemes;
 - Education;
 - Health and social care facilities;
 - Police and emergency services facilities;
 - Community facilities;
 - Communications infrastructure (beyond that directly secured by agreement between the developer)

- Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).
- 121 This development is CIL liable and a CIL contribution would be generated from the development, subject to any future applications for exemptions that may be applied for (in relation to social housing) which would be eligible to be used on schemes as listed above.
- 122 The CIL payment will be used to address concerns made in a number of representations at the increased pressure the development would place upon wider community infrastructure, including police, education and healthcare provision.
- 123 The developer will be required to enter into a S106 agreement to secure the provision of affordable housing and provision of, and long term management and maintenance of the public open space and play area. These works are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind, and as such meet the “tests” for Planning Obligations.
- 124 In accordance with policy EN1 of the ADMP details of how the development would incorporate infrastructure to meet modern communication and technology needs (including broadband, high speed internet cabling and digital TV cabling) can be secured by appropriate condition.

Other matters:

- 125 With regards to flood risk and surface water run off the Government has recently passed new legislation relating to drainage, and there is now a requirement for consultation on major development sites to be carried out with the “Lead Drainage Authority”. Kent County Council is the lead drainage authority, and has been consulted on this application. A flood risk assessment has been submitted with the planning application. The applicant proposes suitable and appropriate sustainable drainage systems (SuDS), to be located within the area of open space, on some of the lower and wetter parts of the site. Subject to appropriate conditions the development is considered acceptable in this regard.
- 126 Matters relating to land contamination can be also be addressed by condition. Matters relating to subsidence and removal of asbestos are subject to separate legislation. Objections relating to the impact of development on property values are not material planning considerations. Although concerns have been raised about the extent of public consultation that has been carried out, the nature and extent of public consultation (both by the applicant prior to formal submission and the Local Planning Authority as part of the application process) has been in excess of minimum statutory requirements and is considered reasonable in the context of the size, nature and location of the development proposals. Concerns relating to the cumulative impacts of new development in the town are also noted and it is envisaged that these will be addressed within the pending Swanley Masterplan. In any case each application is required to be assessed on its own merits having regard to the relevant Development Plan.

Conclusion:

- 127 This is an allocated major development site comprising previously developed brownfield land. The redevelopment of the site to provide 185 dwellings and public open space would make effective use of the land and add significantly to housing stock locally and within the District. The number of units proposed has been reduced from the previous application. The type, size and layout of housing are considered to be acceptable and appropriate for this urban location. The development would provide the maximum provision of affordable housing, making a significant contribution to the stock of such housing within the District. It has been further demonstrated that the noise impacts from the adjacent Swantex Paper Mill and railway line are capable of being mitigated to ensure the provision of acceptable internal living environments and would adequately safeguard the ongoing operations of this important employment site. The development would yield benefits in terms of enhanced landscaping and ecology and accessibility.
- 128 The highways implications of the development have been fully assessed and are considered acceptable. Although the impact of the development upon local infrastructure is a justifiable concern, the development would make a sizeable CIL contribution towards improvements to such infrastructure. The amount of CIL payable is set by the Council as the charging authority and is not negotiable. Taking the above factors into account, and for the reasons as set out in detail in the report, the proposal is considered to address the reasons for refusal of the previous application and to comply with national and local planning policies.
- 129 Subject to the applicant entering into a S106 agreement to secure affordable housing, management and maintenance of the public open space and play area, it is recommended that planning permission should be granted subject to necessary conditions.
- 130 RECOMMENDATION A: Grant planning permission subject to a S106 Agreement and conditions.
- 131 RECOMMENDATION B: That, in the event a satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation being completed no later than 27 May 2016 (or if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice), planning permission is refused on the following grounds - In the absence of a completed S106 Agreement to secure the provision of affordable housing and the provision, management and maintenance of land as public open space, the development would fail to provide suitable housing and necessary on/off site infrastructure and open space, contrary to policies SP3, SP9 and SP10 of the Sevenoaks Core Strategy, and Policies H2, G11 and T1 of the Sevenoaks Allocations and Development Management Plan.

Contact Officer(s):

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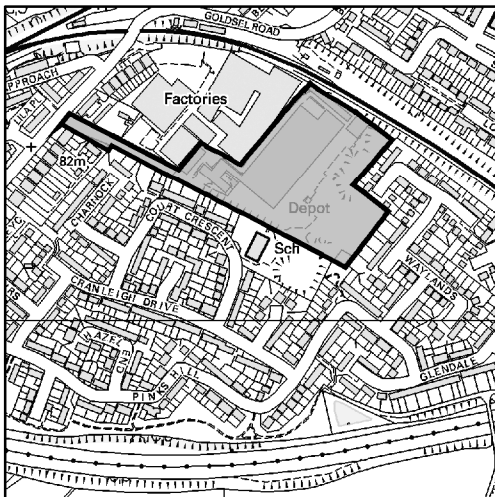
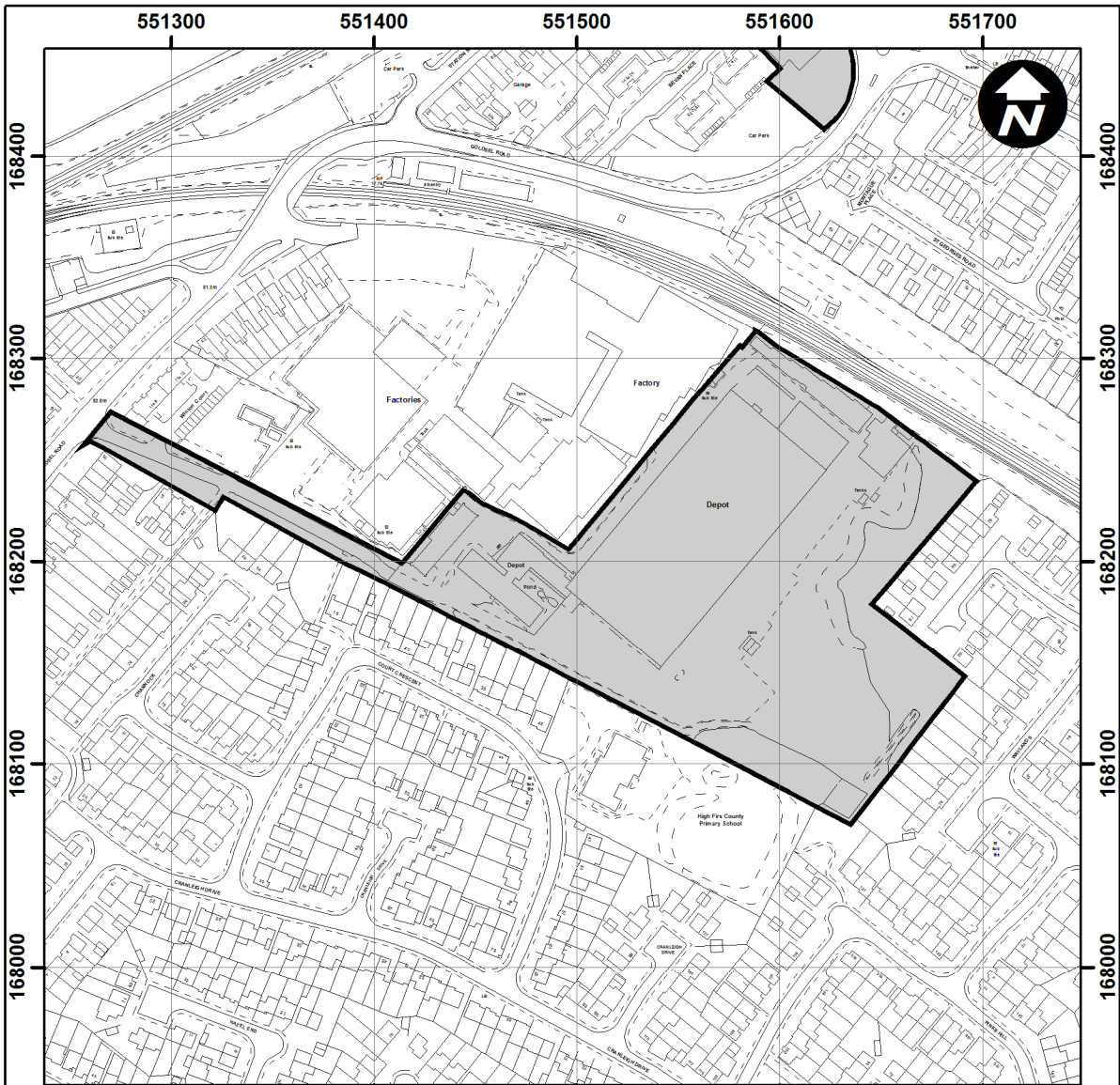
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O1Q4O8BKM0G00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O1Q4O8BKM0G00>



Site Plan

Scale 1:3,500

Date 04/05/2016



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Ordnance Survey 100019428.

Block Plan

