

4.1 - 17/02279/FUL

Date expired 23 October 2017

Proposal:

Hybrid application for the phased redevelopment of part of the Swanley Square Shopping Centre and land to the rear, comprising a detailed application for Blocks 1, 2 and 4 and an outline only application (with details relating to appearance and landscaping reserved) for Blocks 3, 5, 6 and 7.

Blocks 1, 2 and 4 comprise the erection of three buildings ranging between 3 and 11 storeys in height comprising 210 residential units (built to rent and market), 1,457sqm of retail/commercial floorspace (Use Class A1-A5, B1), a multi storey car park and associated public realm surface level parking, landscaping and access works.

Blocks 3, 5, 6 and 7 involves the demolition of existing buildings/structures and outline parameters for four new buildings which will comprise up to 93 residential units (market) and up to 2,861 sqm of commercial floorspace (use classes A1-A5, B1) up to 958 sqm of community floorspace; and associated public realm surface level car parking, landscaping and access works.

Location:

Swanley Centre, London Road, Swanley KENT BR8 7TG

Ward(s):

Swanley St Mary's

#### **ITEM FOR DECISION**

This application is referred to Development Control Committee at the discretion of the Chief Planning Officer, as the development is of a significant nature.

**RECOMMENDATION A:** That planning permission be GRANTED subject to:

- a) The planning conditions set out below, subject to officers being authorised to make any reasonably necessary minor adjustments in order to facilitate the permission as granted
- b) 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 19 February 2018 (PROVIDED THAT 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), the specific terms of the agreement to be agreed as set out in the committee report, delegated authority given to the Chief Planning Officer, in consultation with the Head of Legal and Democratic Services, to negotiate on the final terms of the agreement.

- c) The S106 legal agreement shall include the following requirements:
- i Provision of sustainable transport contribution (£250,000) to be paid to the District Council prior to occupation of half of Block 1
  - ii Phasing and provision of public realm enhancements
  - iii Provision of Build to Rent tenure (for a minimum of 15 years) and agreement to local lettings procedure
  - iv Financial viability appraisal review upon submission of reserved matters for Phases 3, 4 and 5 to determine whether the development could make a contribution towards affordable housing
  - v Provision of replacement onsite community floor space or financial contribution towards offsite provision
  - vi Provision of Market day shuttle bus service
  - vii Provision of car club membership for occupiers of new dwellings for a three year period commencing on first occupation of each dwelling
  - viii Provision of local procurement strategy
  - ix Provision of local employment strategy
  - x Provision of parking control contribution (£5,000) to be paid to the District Council prior to occupation of Phase 1.

#### Implementation period

1	Full Planning Permission - Phases 1A & 2	<p>The development to which this permission relates shall be commenced on Phases 1A and 2 before the expiration of three years from the date of this permission.</p> <p><b>Reason:</b> In pursuance of section 91 of the Town and Country Planning Act 1990.</p>
2	Completion Phases 1A & 2	<p>All development in Phases 1A and 2 must be completed and available for occupation within 5 years of being commenced.</p> <p><b>Reason:</b> In order to ensure the economic and regeneration benefits of the scheme are realised.</p>
3	Outline Planning Permission - Phases 1B, 2, 3, 4 and 5	<p>Approval of the details of the landscaping and external appearance (hereinafter called the "Reserved Matters") shall be obtained in writing from the local planning authority before any development in Phases 1B, 2, 3, 4 or 5 is commenced (excluding demolition or remediation works) and the development shall be carried out as approved.</p> <p><b>Reason:</b> In pursuance of section 92(2) of the Town and Country Planning Act 1990.</p>

4	Outline Planning Permission - Phases 1B, 2, 3, 4 and 5	<p>Application for approval of the Reserved Matters for each phase shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p><b>Reason:</b> No such details have been submitted and in pursuance of section 92(2) of the Town and Country Planning Act 1990.</p>
<p><b>Conditions applicable to the Full Planning Permission and the Outline Planning Permission</b></p>		
5	Approved plans	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>• SWA-HLM-XX-XX-DR-A-07-01 PA2</li> <li>• SWA-HLM-XX-XX-DR-A-06-01 PA6</li> <li>• SWA-HLM-XX-XX-DR-A-06-02 PA6</li> <li>• SWA-HLM-XX-XX-DR-A-06-03 PA2</li> <li>• SWA-HLM-XX-XX-DR-A-06-04 PA2</li> <li>• SWA-HLM-XX-00-DR-A-04-10 PA2</li> <li>• SWA-HLM-XX-01-DR-A-04-10 PA2</li> <li>• SWA-HLM-XX-02-DR-A-04-10 PA2</li> <li>• SWA-HLM-XX-XX-EL-A-04-01 PA2</li> <li>• SWA-HLM-XX-GF-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-00-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-01-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-02-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-03-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-04-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-05-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-06-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-07-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-08-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-09-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-10-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-13-GA-A-06-01 PA6</li> <li>• SWA-HLM-XX-XX-SE-A-06-01 PA4</li> <li>• SWA-HLM-XX-XX-EL-A-06-01 PA4</li> <li>• SWA-HLM-XX-XX-EL-A-06-02 PA3</li> <li>• SWA-HLM-XX-XX-EL-A-06-03 PA5</li> <li>• SWA-HLM-XX-XX-EL-A-06-04 PA2</li> <li>• SWA-HLM-XX-XX-EL-A-06-05 PA3</li> </ul>

		<ul style="list-style-type: none"> <li>• SWA-HLM-XX-XX-EL-A-06-06 PA2</li> <li>• SWA-HLM-XX-XX-EL-A-06-07 PA2</li> <li>• SWA-HLM-B1-LG-GA-A-04-01 PA5</li> <li>• SWA-HLM-B1-00-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-01-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-02-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-03-GA-A-04-01 PA5</li> <li>• SWA-HLM-B1-04-GA-A-04-01 PA5</li> <li>• SWA-HLM-B1-05-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-06-GA-A-04-01 PA5</li> <li>• SWA-HLM-B1-07-GA-A-04-01 PA5</li> <li>• SWA-HLM-B1-08-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-09-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-10-GA-A-04-01 PA4</li> <li>• SWA-HLM-B1-RF-GA-A-04-01 PA4</li> <li>• SWA-HLM-B2-00-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-01-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-02-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-03-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-04-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-05-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-06-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-07-GA-A-04-01 PA2</li> <li>• SWA-HLM-B2-RF-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-00-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-01-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-02-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-03-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-04-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-05-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-06-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-07-GA-A-04-01 PA2</li> <li>• SWA-HLM-B4-RF-GA-A-04-01 PA2</li> <li>• SWA-HLM-B1-XX-EL-A-04-01 PA4</li> <li>• SWA-HLM-B1-XX-EL-A-04-02 PA4</li> <li>• SWA-HLM-B1-XX-EL-A-04-03 PA4</li> <li>• SWA-HLM-B1-XX-EL-A-04-04 PA4</li> <li>• SWA-HLM-B2-XX-EL-A-04-01 PA4</li> <li>• SWA-HLM-B2-XX-EL-A-04-02 PA2</li> <li>• SWA-HLM-B2-XX-EL-A-04-03 PA4</li> <li>• SWA-HLM-B2-XX-EL-A-04-04 PA2</li> <li>• SWA-HLM-B4-XX-EL-A-04-01 PA2</li> <li>• SWA-HLM-B4-XX-EL-A-04-02 PA2</li> <li>• SWA-HLM-B4-XX-EL-A-04-03 PA2</li> <li>• SWA-HLM-B4-XX-EL-A-04-04 PA2</li> <li>• SWA-HLM-B1-XX-SE-A-04-01 PA5</li> <li>• SWA-HLM-B1-XX-SE-A-04-02 PA5</li> <li>• SWA-HLM-B1-XX-SE-A-04-03 PA5</li> <li>• SWA-HLM-B2-XX-SE-A-04-01 PA2</li> </ul>
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6	Land contamination 1	<p>No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:</p> <p>a. A preliminary risk assessment which has identified:-</p> <ul style="list-style-type: none"> <li>i. all previous uses</li> <li>ii. potential contaminants associated with those uses</li> <li>iii. a conceptual model of the site indicating sources, pathways and receptors</li> <li>iv. potentially unacceptable risks arising from contamination at the site.</li> </ul> <p>b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>No development shall be carried out otherwise than in accordance with the approved details.</p> <p><b>Reason:</b> In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of 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.</p>

7	Land contamination 2	<p>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.</p> <p><b>Reason:</b> In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.</p>
8	Land contamination 3	<p>In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority promptly. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.</p> <p><b>Reason:</b> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.</p>
9	SUDS 1	<p>Prior to the commencement of development, a detailed sustainable surface water drainage scheme for the site compliant with the principles set out in the Surface Water Management Strategy (Heyne Tillet Steel, October 2016) shall be submitted to and approved in writing by the local planning authority.</p> <p>The drainage scheme shall demonstrate that the</p>

		<p>surface water generated by the whole development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100year storm) for all areas can be accommodated and disposed of via infiltration within the curtilage of the site, unless otherwise agreed in writing by the local planning authority.</p> <p>No development shall take place other than in accordance with the approved details.</p> <p><b>Reason:</b> 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 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.</p>
10	SUDS 2	<p>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.</p> <p>Details shall include:</p> <p>i) a timetable for its implementation; and</p> <p>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.</p> <p>No development shall take place other than in accordance with the approved details.</p> <p><b>Reason:</b> 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 policy SP2 of the Core Strategy and the National Planning Policy Framework.</p>
11	SUDS 3	<p>No infiltration of surface water drainage into the ground is permitted other than with the express</p>

		<p>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.</p> <p><b>Reason:</b> 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 policy SP2 of the Core Strategy and the National Planning Policy Framework.</p>
12	Waste water capacity	<p>Prior to the commencement of development a drainage strategy detailing any and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.</p> <p><b>Reason:</b> To ensure that sufficient capacity is available to serve the new development and in order to protect the environment. 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.</p>
13	Piling method statement	<p>No 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 in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p><b>Reason:</b> In view of the proximity of the development to underground water utility infrastructure and the potential impact on that infrastructure from piling.</p>
14	Air quality	<p>Prior to the commencement of Phase 1A, further details of the hereby approved Combined Heat and Power Plant shall be submitted to and agreed in</p>

		<p>writing by the local planning authority.</p> <p>The details shall include the location, size and design of any external flue(s) and an air quality impact assessment.</p> <p>The development shall be carried out in accordance with the details so approved and the hereby approved Energy and Sustainability Report (reference 9023.003.004, dated 26 May 2017).</p> <p><b>Reason:</b> 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.</p>
15	Archaeology	<p>Prior to the commencement of each phase of development, the applicant, or their agents or successors in title, will secure and implement:</p> <ul style="list-style-type: none"> <li>i. A desk based assessment of the geo-archaeological and Palaeolithic potential undertaken by appropriate geo-archaeologist and Palaeolithic specialist, submitted to and approved in writing by the local planning authority; and</li> <li>ii. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority; and</li> <li>iii. Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the local planning authority. No development of the relevant phase shall take place other than in accordance with the approved details.</li> </ul> <p><b>Reason:</b> 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</p>

		this safeguard planning permission should not be granted.
16	Construction Environmental Management Plan (CEMP)	<p>Prior to the commencement of each phase of development, a demolition and Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the construction period of that phase in accordance with the approved CEMP. The CEMP shall include:</p> <ul style="list-style-type: none"> <li>a. Details of the proposed working hours</li> <li>b. Details of locations of vehicle parking for site operatives and visitors</li> <li>c. Details of proposed wheel washing facilities located adjacent the construction site access</li> <li>d. Details of an area for the storage of plant and materials</li> <li>e. A site waste management plan</li> <li>f. Details of temporary utilities</li> <li>g. How the construction will comply with the sustainable use of soils on construction sites</li> <li>h. Details of a communication strategy to include the provision of a dedicated phone line for residents to contact the site manager directly with complaints which should be manned whenever site works are in progress</li> <li>i. Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site</li> <li>j. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;</li> <li>k. Details of the measures to mitigate the noise and vibration from construction</li> <li>l. Details of a surface water drainage scheme for the temporary drainage of the Site</li> <li>m. Details of hours of construction/operation.</li> </ul> <p><b>Reason:</b> 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.</p>

17	Site levels	<p>Prior to commencement of development of Phase 1A, full details of existing and proposed levels, including finished slab levels of Blocks 1 and 2 shall be submitted to and agreed in writing by the local planning authority.</p> <p>Proposed plans shall include a level (e.g. highway or footpath) adjacent to the site that will remain fixed/ unchanged and shall include levels adjoining the site. No development shall take place other than in accordance with the approved details.</p> <p><b>Reason:</b> To ensure that the proposals would not impact detrimentally on amenity in accordance with policy 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.</p>
18	Utilities	<p>Prior to the commencement of each phase, details of a scheme to provide utilities connections to the dwellings hereby permitted in that phase to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling has been submitted to and approved in writing by the local planning authority.</p> <p>The agreed scheme shall be provided prior to first occupation of any of the residential units in the relevant phase.</p> <p><b>Reason:</b> 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.</p>
19	Crime Prevention	<p>Prior to the commencement of each phase, a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through</p>

		<p>Environmental Design (CPTED) for that phase shall be submitted to and approved in writing by the local planning authority.</p> <p>The measures so approved shall be implemented prior to the first occupation of that phase of the development and shall be retained thereafter.</p> <p><b>Reason:</b> 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.</p>
20	Materials	<p>Prior to the commencement of each phase, samples of all materials to be used in the construction of the external surfaces of each building in that phase shall be submitted to and approved in writing by the local planning authority, including (where applicable):</p> <ul style="list-style-type: none"> <li>i) Samples of all brick (including details of the mortar and method of pointing)</li> <li>ii) Samples of precast stone</li> <li>iii) Samples of aluminium spandrel panels;</li> <li>iv) Samples of the proposed window, door and balcony treatments</li> <li>v) Samples of all other materials to be used externally</li> </ul> <p>The development shall be carried out in accordance with the approved details.</p> <p><b>Reason:</b> To ensure a satisfactory appearance to the development and to comply with policies SP1 and L05 of the Core Strategy and 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.</p>
21	Privacy screens	<p>Prior to the commencement of Phase 1A, details of appropriate privacy screening to the east (side) boundary of the hereby approved 6<sup>th</sup> floor and podium level roof terraces shall be submitted to and agreed in writing by the local planning authority. The details so approved shall be implemented prior</p>

		<p>to the first use of the terraces and shall be retained thereafter.</p> <p><b>Reason:</b> In the interests of safeguarding the residential amenity of surrounding occupiers in accordance with policy 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.</p>
22	Noise mitigation	<p>Prior to the commencement of each phase (excluding demolition and/or remediation works), a noise assessment and characterisation for the potential noise impact on the dwellings within that phase, together with details of necessary mitigation measures shall be submitted to and approved in writing by the local planning authority.</p> <p>The noise assessment shall be carried out in accordance with the requirements of BS4142:2014. The mitigation measures shall include details of acoustic ventilation and glazing required within that phase to protect the approved bedrooms, living rooms and balconies from railway and road traffic noise and vibration in accordance with the requirements of BS8233:2014 and the strategy set out in the Environmental Noise Assessment by Idom Merebrook (reference ENA-19502-16-101 REV A, dated June 2017).</p> <p>The approved protection measures shall be completed in accordance with the approved details prior to the first occupation of the relevant phase, and maintained thereafter.</p> <p><b>Reason:</b> In order to provide an acceptable standard of residential accommodation in accordance with policy 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.</p>
23	Refuse and recycling	<p>Prior to the commencement of each phase, details for the storage of waste on the premises, including the design and position of storage facilities for</p>

		<p>refuse and recycling for that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to (i) in relation to the residential element of the development, first occupation; or (ii) in relation to the commercial element of the development, commencement of the use hereby permitted and maintained thereafter.</p> <p><b>Reason:</b> In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development in accordance with 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.</p>
24	Plant/machinery	<p>No external plant, equipment or extract system shall be installed until full details relating to its design, noise, vibration and control of odour have been submitted to and approved in writing by the local planning authority. The details shall include any necessary mitigation required to demonstrate that the plant, equipment or extract system would not cause an increase in the ambient background noise level at the boundary of the nearest residential property. For the avoidance of doubt calculated rated noise levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background level in accordance with the results of a BS4142:2014 noise assessment.</p> <p>The plant, equipment or extract system shall be installed in accordance with the approved details and retained and maintained as such thereafter.</p> <p><b>Reason:</b> To safeguard visual amenity and protect the amenity of surrounding residents in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.</p>
25	Interactive signs - Grampian condition	<p>No development shall commence until details for the provision of three interactive parking signs, including their design, location and timetable for implementation, have been submitted to and approved in writing by the local planning authority.</p>

		<p>No development shall take place other than in accordance with the approved details.</p> <p><b>Reason:</b> To mitigate adverse travel impacts in accordance with policy 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.</p>
26	Directional signage strategy - Grampian condition	<p>Prior to the first occupation of each phase of the development, full details of a directional signage strategy relevant to that phase shall be submitted to and approved in writing by the local planning authority.</p> <p>Details shall include the location of informational, warning and directional signage within the site and around the perimeter of the development hereby approved including:</p> <ul style="list-style-type: none"> <li>a) Information, location and availability of car parking spaces including car club spaces hereby approved</li> <li>b) Information, location and availability of servicing and delivery locations and restrictions</li> <li>c) Directional signage and distance information for location of public transport facilities including bus, train and taxi pick-ups</li> <li>d) Information and directional signage for pedestrian movements, footways and road crossing points between all parts of the development hereby approved.</li> </ul> <p>The scheme shall be implemented fully in accordance with the approved details prior to the first occupation of the relevant phase and retained and maintained thereafter.</p> <p><b>Reason:</b> To ensure safe, coordinated and efficient wayfinding around the site and to avoid unnecessary and visually harmful street clutter in accordance with policy L05 of the Core Strategy and 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</p>

		granted.
27	Bus stop - Grampian condition	<p>No development shall commence until details for the provision of a temporary bus stop for the Market Day Shuttle Bus has been submitted to and approved in writing by the local planning authority.</p> <p>Details shall include location, signage and timetable for implementation. The bus stop shall be provided in accordance with the approved details and retained until the provision of the permanent bus stops hereby approved.</p> <p><b>Reason:</b> To promote and encourage sustainable modes of transport and to ensure safe and efficient access to the town centre in accordance with policy L05 of the Core Strategy and 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.</p>
28	Pedestrian crossing - Grampian condition	<p>No development shall commence until details for the upgrade of the existing controlled pedestrian crossing on the High Street from a Pelican crossing to a Puffin crossing have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for implementation.</p> <p>No development shall take place other than in accordance with the approved details.</p> <p><b>Reason:</b> To mitigate adverse travel impacts in accordance with policy 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.</p>
29	Parking Management Plans	<p>Prior to commencement of use of the following car parks hereby approved, details in the form of a Parking Management Plan to include space allocation between users (including market day van and disabled car parking provision) shall be submitted to and approved in writing by the local planning</p>

		<p>authority:</p> <ul style="list-style-type: none"> <li>a) Multi-storey car park and car parking in Station Walk</li> <li>b) Car parking adjacent to Block 3</li> <li>c) Car parking adjacent to Block 4</li> <li>d) Car parking adjacent to Block 5</li> <li>e) Any other car parking to be provided.</li> </ul> <p>The car parks shall be provided prior to the first occupation of the development within that phase and be maintained and operated in accordance with the Parking Management Plans so approved, unless otherwise agreed in writing by the local planning authority.</p> <p><b>Reason:</b> To ensure that adequate parking provision is provided and retained and to comply with policy L05 of the Core Strategy and policies T1 and T2 of the Sevenoaks Allocations and Development Management Plan.</p>
30	Electric vehicle charging	<p>Prior to the commencement of each phase, details for the installation of electric vehicle charging points showing their proposed locations, type and specifications shall be submitted to and approved in writing by the local planning authority.</p> <p>The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of that phase of the development and shall be retained and maintained for use at all times.</p> <p><b>Reason:</b> 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.</p>
31	Cycle parking	<p>Prior to the commencement of each phase, details of all secure cycle parking facilities, including where appropriate details of internal wheeling ramps on stairwells and lifts shall have been submitted to and approved in writing by the local planning authority.</p> <p>The approved facilities shall be fully implemented and made available for use by the allocated users</p>

		<p>prior to the first occupation of that phase of the development and shall be retained and maintained for use at all times.</p> <p><b>Reason:</b> To promote and encourage sustainable modes of transport, in accordance with policy SP2 of the Core Strategy and policies EN1 and 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.</p>
32	Travel Plan	<p>Prior to the first occupation of any part of the development, a final Travel Plan, including details of how the plan will be funded, implemented and monitored for effectiveness, 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.</p> <p><b>Reason:</b> To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.</p>
33	Hard and soft landscaping	<p>Prior to the commencement of each phase, a landscaping scheme for that phase 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:</p> <p>a) trees and shrubs to be retained (including details of appropriate tree protection measures for the existing trees and shrubs shown to be retained);</p> <p>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; including climbing plants on Block 1;</p> <p>c) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and</p>

		<p>vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;</p> <p>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;</p> <p>e) any other landscaping feature(s) forming part of the scheme; and</p> <p>f) a landscape management plan detailing how each of the landscaping areas will be maintained.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted prior to the first occupation of any part of that phase. 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.</p> <p>No development shall take place other than in accordance with the approved details and shall be maintained as such thereafter.</p> <p><b>Reason:</b> 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.</p>
34	Tree Protection/Pruning	<p>Prior to the commencement of development, an Arboricultural Method Statement (to include a schedule of pruning works) and a Tree Protection Plan (specifying necessary tree protection measures for each phase of development) in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.</p> <p>The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the</p>

		<p>site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.</p> <p><b>Reason:</b> To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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.</p>
35	Green roofs	<p>Prior to the commencement of each phase, details of the biodiverse and green roofs as shown on the hereby approved drawing SWA-HLM-XX-RF-GA-L-90-02/PA6 shall have been submitted to and approved in writing by the local planning authority.</p> <p>The details shall include cross sections, planting details and a maintenance and irrigation programme. The green and biodiverse roofs shall be constructed in accordance with the approved details prior to first occupation of the relevant building and shall be retained as such thereafter.</p> <p><b>Reason:</b> To ensure that the development is sustainable and enhances the ecological value of the site in accordance with policy SP11 of the Core Strategy and 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.</p>
36	Biodiversity enhancement	<p>Prior to the commencement of each phase, full details of appropriate measures to enhance the biodiversity and nature conservation value of the part of the site related to that phase shall be</p>

		<p>submitted to and approved in writing by the local planning authority. The details shall include, but not be limited to, provision of bat boxes, bird boxes and native planting and a timetable for implementation.</p> <p>No development shall take place other than in accordance with the approved details prior to the first occupation of the relevant phase of the development.</p> <p><b>Reason:</b> In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and 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.</p>
37	External lighting	<p>Prior to the commencement of each phase, details of external lighting for that phase shall be submitted to and agreed in writing by the local planning authority. The details shall include:</p> <ul style="list-style-type: none"> <li>i) Details of the lighting fixtures and location</li> <li>ii) Details of the colours of the light</li> <li>iii) Hours of operation</li> <li>iv) Details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution</li> </ul> <p>The approved lighting shall be installed prior to first occupation of the relevant phase and no further external lighting shall be installed on the site without the prior written consent of the local planning authority.</p> <p><b>Reason:</b> In the interests of the visual amenity of the area and 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.</p>
38	Opening hours	<p>The ground and first floor commercial units hereby approved shall not be operational except between the hours of 07:00 to 23:00 Monday to Saturday and</p>

		<p>0800 to 2200 Sundays and Bank Holidays.</p> <p><b>Reason:</b> To safeguard the amenities of existing and future occupiers of adjoining properties in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.</p>
39	Delivery and service times	<p>Deliveries, servicing and collections (including waste collections for the commercial uses) shall not take place outside of 0700 and 1900 Monday to Saturday and at no time on Sundays or Bank Holidays.</p> <p><b>Reason:</b> To protect the amenity of surrounding residents in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.</p>
40	Approved uses	<p>The commercial units hereby approved shall be used as Class A1, A2, A3, A4 or A5 or B1 and no other use whatsoever shall be permitted. No more than 30% of the total number of ground floor units shall be occupied for Class B1 use at any time.</p> <p>The first use of the commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).</p> <p><b>Reason:</b> For the avoidance of doubt and in order to secure a range of appropriate town centre uses pursuant to policy L05 of the Sevenoaks Allocations and Development Plan.</p>
41	BREEAM	<p>The commercial development shall achieve a BREEAM minimum rating of Shell Only "Very Good". Evidence shall be provided in writing to the local planning authority -</p> <ul style="list-style-type: none"> <li>i) Prior to the commencement of each phase of development, details of how it is intended the non-residential elements of that phase will achieve a BREEAM Design Certificate minimum rating of "Very Good" or alternative as agreed in writing by the local planning authority; and</li> <li>ii) Prior to the first use of each phase of development, details that the development has achieved a BREEAM Post Construction</li> </ul>

		<p>Certificate minimum rating of "Very Good" or alternative as agreed in writing by the local planning authority.</p> <p><b>Reason:</b> In the interests of environmental sustainability and reducing the risk of climate change as supported by 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.</p>
42	Removal of Permitted Development	<p>Notwithstanding the provisions of Parts 2 a - f, 7 a - f, 16 a - c, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development permitted by those parts shall be carried out without the prior written approval of the local planning authority.</p> <p><b>Reason:</b> In the interests of protecting the visual amenity of the town centre in accordance with policy L05 of the Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.</p>
43	Fire strategy	<p>Prior to the commencement of each phase, a Fire Strategy, to include details of an appropriate fire suppression system, shall be submitted to and approved in writing by the local planning authority.</p> <p>The details so approved shall be implemented prior to the first occupation of that phase of the development and shall be retained and maintained as such at all times.</p> <p><b>Reason:</b> To protect the safety of future occupiers in accordance with Policy EN1 and 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.</p>
<p><b>Conditions applicable to the Full Planning Permission only</b></p>		

44	Public art	<p>Prior to the commencement of development of Block 1, details of the perforated panelling, to include a scheme of public art, and timetable for implementation shall be submitted to and approved in writing by the local planning authority.</p> <p>No development shall be carried out other than in accordance with the approved details.</p> <p><b>Reason:</b> To ensure a satisfactory appearance to the development and to comply with policies SP1 and L05 of the Core Strategy and 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.</p>
45	Delivery and service yard - noise management plan	<p>Prior to the commencement of development of Phase 1A a noise management plan for the existing delivery and service yard to the rear of Block 2 shall be submitted to and approved in writing by the local planning authority. The noise management plan shall include details of hours of operation, number and type of vehicle movements and measures to control noise and disturbance to adjacent occupiers.</p> <p>The delivery and service yard shall be operated in accordance with the approved noise management plan unless otherwise agreed in writing by the local planning authority.</p> <p><b>Reason:</b> To protect the amenity of surrounding residents in accordance with policy 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.</p>
46	Multi-storey car park	<p>Prior to first occupation of any residential units within Block 1 or 2, the multi-storey car park hereby permitted shall be provided in accordance with the approved drawings and made available for use and retained as such thereafter.</p> <p><b>Reason:</b> To ensure that adequate parking provision is provided and retained and to comply with policy L05 of the Core Strategy and policies T1 and T2 of</p>

		the Sevenoaks Allocations and Development Management Plan.
47	Nightingale Way access works	<p>Prior to first use of the multi-storey car park, the alterations to the Nightingale Way bend, including widening of the carriageway adjacent to Block 1, shall be carried out in accordance with drawing SWA-HLM-XX-00-GA-A-06-01/PA6.</p> <p><b>Reason:</b> To ensure safe and efficient access to the site in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.</p>
48	Car club	<p>Prior to the commencement of development of Phase 1A a strategy for the provision and distribution of a minimum of 3 (three) spaces to be used exclusively for car club(s), shall be submitted to, and approved in writing by the local planning authority. The strategy shall include a timetable for implementation. The spaces shall be provided and maintained in accordance with the approved details.</p> <p><b>Reason:</b> To promote and encourage sustainable modes of transport, in accordance with policy SP2 of the Core Strategy and 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.</p>
49	Allotments	<p>Prior to the first planting season following first occupation of Block 1, the raised planters for fruit and vegetable growing shown on the hereby approved drawing SWA-HLM-XX-ZZ-GA-L-91-10/PA6 shall be created using soil imported to BS3882:2015 Topsoil grade in order to be suitable for edible planting and retained thereafter.</p> <p><b>Reason:</b> In order that the food growing areas meet an acceptable standard and would be capable of providing suitable food growing/allotment space in accordance with policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan.</p>
50	Hops	<p>Prior to the commencement of development of Block 1, a scheme for growing hops, including details of</p>

		<p>planters and fixings, a maintenance and irrigation programme and timetable for implementation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.</p> <p><b>Reason:</b> To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and G11 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.</p>
51	Amenity space	<p>The external communal amenity areas hereby permitted within Block 1 shall not be permitted to be used other than for essential maintenance except between the hours of 07.00 to 22.00 on any day.</p> <p><b>Reason:</b> To safeguard the amenities of existing and future occupiers of adjoining properties in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.</p>
<b>Conditions applicable to the Outline Planning Permission only</b>		
52	Community floor space	<p>The Reserved Matters for Block 7 in Phase 5 shall include floor plans and elevations for the provision of a Class D1 medical centre with a minimum floor space of 2000sqm. Best endeavours shall be used for a period of at least 12 months from the commencement of construction on site (excluding demolition and site clearance) to reach agreement with a Class D1 medical provider and for no other use for occupation of the medical centre floor space (subject to approval of the reserved matters by the local planning authority).</p> <p>Should reasonable evidence be submitted to and agreed in writing by the local planning authority that an occupier for a medical facility could not be secured after the stated period of negotiation, then use of Block 7 shall be implemented in accordance with the hereby approved plans for the uses permitted by this permission.</p> <p><b>Reason:</b> The provision of community facilities within the town centre is a local priority identified under</p>

		policy L05 of the Core Strategy. The location of a medical centre within Block 7 would make a significant contribution towards this strategic objective.
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**Informatives:**

1	CIL	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	Highways	You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).

**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](http://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 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 updated on the progress of the planning application.
- 2) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
- 3) Was updated of small scale issues which arose during the process of the application and was given time to address it.

**RECOMMENDATION B:** If the S106 legal agreement is not signed in accordance with recommendation A, then planning permission be REFUSED on the following grounds:

1. The proposal fails to secure appropriate controls on the retention or letting of the Build to Rent housing, to allow for the potential delivery of affordable housing in later phases, to secure appropriate provision for on or off-site community use or to secure delivery of the public realm improvements. The development would therefore fail to facilitate regeneration of the town centre so that it better meets the needs of the population it serves contrary to policy H2c of the Allocations and Development Management Plan (2015), policies L01, L05, SP1, SP3, SP5 and SP9 of the Core Strategy (2011), the Affordable Housing SPD, National Planning Policy Framework and National Planning Practice Guidance.
2. The proposal fails to make provision for the appropriate and necessary highway and transportation mitigation measures required to mitigate impacts on the local highway network arising as a result of the development. The development would therefore fail to facilitate regeneration of the town centre so that it better meets the needs of the population it serves contrary to policies EN1, EN2, T1, T2 and H2c of the Allocations and Development Management Plan (2015), policies L04, L05, SP1, SP2 and SP9 of the Core Strategy (2011), the National Planning Policy Framework and National Planning Practice Guidance.

### Description of site and surroundings

- 1 The application site is mostly level and approximately 1.364 hectares in area, the majority of which comprises 331 surface level car parking spaces and some low rise buildings, including the Cedars doctors' surgery and retail units. Access to the site is from Nightingale Way, a one-way private road running through the site. A number of trees located on the boundary with the adjacent recreation ground are subject to preservation orders. There are a number of other unprotected trees throughout the site. The site is located wholly within the designated town centre.
- 2 The site lies to the west of the existing shopping centre which forms Swanley's principal retail area. Built in the 1970s it is a low density

development, with ground floor retail units and ancillary office and residential uses above set out around a square. Some units are currently vacant. The site is adjacent to the railway line to the east and a 3.6 hectare recreation ground to the south.

- 3 There are a number of residential buildings located directly adjacent to the site, including the 4-storey Nightingale House to the east and 3-storey Berkeley Court to the west. There are also a number of retail and community buildings, including the 2-storey Swanley shopping centre to the east and a large supermarket beyond and single storey supermarket in the northwest corner. The Oaks doctors' surgery is a detached 2-storey building located adjacent to the southern corner of the site next to the recreation ground.

### Description of proposal

- 4 The planning application comprises a hybrid application seeking part full and part outline planning permission for a mixed use development.
- 5 The full detailed planning application includes blocks 1, 2 and 4 for 210 residential units (132 Build to Rent and 78 market), 677sqm of retail/commercial floor space (Use Class A1-A5 and B1), multi-storey car park and associated public realm, surface level car parking, landscaping and access works. Specifically:
  - Block 1 would be a 3 to 11-storey building (stepping up from 5 and 7 to 11 storeys on the north east side and from 7 to 9 storeys on the south west side). Block 1 would comprise a multi-storey car park providing 257 car parking spaces at basement, ground, first and second floors and 132 Build to Rent residential units, with lounge, seating and meeting areas, concierge and resident amenity space.
  - Block 2 would be a 6 to 8-storey building comprising 42 market residential units and 240sqm of retail/commercial floor space (Use Classes A1-A5 and B1).
  - Block 4 would be a 2 to 8-storey building (stepping up from 2 storeys at the north west end to 6 with set back 8 storeys on the south east end) comprising 36 market residential units and 1217sqm of retail/commercial floor space (Use Classes A1-A5 and B1).
- 6 The outline planning application includes blocks 3, 5, 6 and 7 for up to 93 market residential units, up to 2,861sqm of commercial floor space (Use Classes A1-A5 and B1), up to 958sqm of community floor space and associated public realm surface level car parking, landscaping and access works. Specifically:
  - Block 3 would be an 8-storey building comprising up to 38 market residential units and 300sqm of retail/commercial floor space (Use Classes A1-A5 and B1).

- Block 5 would be an 8-storey building comprising up to 38 market residential units and 137sqm of retail/commercial floor space (Use Classes A1-A5 and B1).
  - Block 6 would be a 5-storey building comprising up to 17 market residential units and 415sqm of retail/commercial floor space (Use Classes A1-A5 and B1).
  - Block 7 would be a 3-storey building comprising up to 958sqm of community floor space (Use Class D1) and 2009sqm of retail/commercial floor space (Use Classes A1-A5 and B1).
- 7 In total, the proposals include 303 residential units (132 Build to Rent and 171 market), 4,320sqm of retail/commercial floor space and 958sqm community floor space.

### **Designations**

- 8 The site is subject to the following designations:
- Urban confines of Swanley
  - Swanley Town Centre
  - Mixed-use site allocation (policy H2c of the Allocations and Development Management Plan)
  - Tree Preservation Orders (TPO/93/03/SDC and TPO/81/15/SDC)

### **Relevant Development Plan policies**

#### *Sevenoaks Core Strategy (CS):*

9 Policies:

- LO1 - Distribution of Development
- LO4 - Development in Swanley
- LO5 - Swanley Town Centre
- SP1 - Design of New Development and Conservation
- SP2 - Sustainable Development
- SP3 - Provision of Affordable Housing
- SP5 - Housing Size and Type
- SP7 - Density of Housing Development
- SP8 - Economic Development and Land for Business
- SP9 - Infrastructure Provision
- SP10 - Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 - Biodiversity

#### *Allocations and Development Management Plan (ADMP):*

10 Policies:

- SC1 - Presumption in Favour of Sustainable Development
- EN1 - Design Principles,
- EN2 - Amenity Protection
- EN6 - Outdoor Lighting

EN7 - Noise Pollution  
H2 - Mixed Use Development Allocations  
TLC2 - Swanley Town Centre  
G11 - Green Infrastructure and New Development  
T1 - Mitigating Travel Impact  
T2 - Vehicle Parking  
T3 - Provision of Electrical Vehicle Charging Points

*Other material considerations:*

- 11 National Planning Policy Framework
- 12 National Planning Practice Guidance
- 13 SPD: Affordable Housing
- 14 Sevenoaks District Transport Strategy

**Planning history**

- 15 Planning application reference 16/02226/FUL was withdrawn in December 2016. Proposals were for hybrid application for the phased redevelopment of part of the Swanley Square Shopping Centre and land to the rear, comprising a detailed application for Blocks 1, 2 and 4 and an outline only application (with details relating to appearance and landscaping reserved) for Blocks 3, 5, 6 and 7.
- 16 Blocks 1, 2 and 4 comprise the erection of three buildings ranging between 3 and 13 storeys in height comprising 247 residential units (built to rent and market), 1,457sqm of retail/commercial floor space (Use Class A1-A5, B1), a multi storey car park and associated public realm surface level parking, landscaping and access works.
- 17 Blocks 3, 5, 6 and 7 involves the demolition of existing buildings/structures and outline parameters for four new buildings which will comprise up to 93 residential units (market) and up to 2,889 sqm of commercial floor space (use classes A1-A5, B1) up to 960 sqm of community floor space; and associated public realm surface level car parking, landscaping and access works.
- 18 Various other planning applications have been determined for minor works to the application site and surrounding buildings, none of which have relevance to this application.

**Environmental Impact Assessment (EIA) development**

- 19 The proposal is for an urban development project including more than 150 dwellings and as such falls within the threshold of Schedule 2 development for the purposes of Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (known as the EIA Regulations). Where it appears to the local planning authority that an application is a Schedule 2  
(Item 4.1) 32

application and that the development in question has not been subject of a screening opinion or screening direction and the application is not accompanied by an environmental statement then Part 8 of the Regulations requires the authority to screen the proposals in accordance with Regulation 6. We issued the following screening opinion, which after having regard to Schedule 3, considered the proposals not to be EIA Development:

- 20 Screening Opinion under Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a major residential-led mixed use development. The proposal is similar to that previously screened in April 2016; however the number of dwellings, quantum of community floor space, car parking and building heights has been reduced. The quantum of retail floor space has marginally increased. The proposal still represents Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the proposals are of a lesser scale, are not unusually complex and do not pose potentially hazardous environmental effects. The development will not be of more than local importance, as the scale and nature of the proposals are not considered likely to have more wide-ranging effects. When assessed against the criteria in Schedule 3 of the Regulations the potential impacts of the development would not be significant.
- 21 We found that the proposed development site is not located within or near to any sensitive areas. Notwithstanding the physical scale of the development, and whilst acknowledging that there may be some effects upon the environment as a consequence of the scheme, none of these are considered to constitute ‘significant effects’ upon the environment.
- 22 The current proposals do not constitute EIA development and would not require an Environmental Statement to be submitted.

#### **Consultations:**

##### *Parish/Town Councils*

- 23 The site lies within Swanley St Mary’s Ward in Swanley Town. The adjoining parish councils of Crockenhill, Eynsford and Hextable were also consulted.

##### *Swanley Town Council: objection*

- 24
- Over-intensification of site (*Officer response: see paragraph 188*)
  - Commercial and residential parking is based on incorrect data (*Officer response: see paragraphs 216-224*)
  - Streetscene (*Officer response: see paragraphs 163-188*)
  - No construction management plan (*Officer response: see condition 16*)
  - No traffic plan (*Officer response: see condition 16*).

- Loss of amenities (*Officer response: see paragraphs 251-276 and conditions 16, 21, 24, 38, 39, 45 and 51*).

25 No response received from:

- Crockenhill Parish Council
- Eynsford Parish Council
- Hextable Parish Council

#### Other consultees

##### *Dartford Borough Council: comment*

- 26
- Development will maintain Swanley's role as a town centre retail destination within the existing retail centre hierarchy in Sevenoaks District
  - Lack of affordable housing will displace demand to Dartford (*Officer response: see paragraph 139*).

##### *London Borough of Bexley: no objection*

- 27
- Principle of development generally acceptable
  - Retail Impact Assessment not provided (*Officer note: not required as retail proposals in accordance with local planning policy and the government's broader 'town centre first' policy*).
  - Unlikely to result in any negative impact on the London Borough of Bexley

##### *London Borough of Bromley: no objection*

28 No objection.

##### *KCC Growth, Environment and Transport: comment*

- 29
- Principle of development generally acceptable
  - Recognise Council's longstanding aspiration to regenerate Swanley Town Centre as identified in the Development Plan and welcomes the positive contribution of the proposed development subject to comments below:
  - Subject to mitigation measures proposed no objection in relation to access, accessibility, safety, traffic generation and distribution or parking
  - Education impacts can be accommodated within current capacity
  - CIL contributions required to mitigate impacts on community services (including youth service and libraries) (*Officer response: see paragraphs 300-301*).
  - No objection in relation to minerals and waste

- Subject to appropriate conditions no objection in relation to surface water drainage (*Officer response: see paragraph 277-279 and conditions 9, 10 and 11*).
- Subject to appropriate conditions to secure biodiversity enhancement, no objection to impacts on ecology (*Officer response: see paragraph 299 and conditions 35 and 36*).
- Subject to appropriate conditions relating to archaeology, no objection to impacts on heritage conservation (*Officer response: see paragraph 195 and condition 15*).
- No evaluation of impact of ‘tall building’ on heritage assets within 2km of site (*Officer response: see paragraphs 189-196*).

*Dartford Gravesham and Swanley NHS CCG: (summary) objection*

- 30
- Swanley needs a health centre facility that properly services the needs of the population both now and in the future. The CCG want to ensure that primary care services are sustainable for the future and provide health and wellbeing services that are easily accessible and meet the needs of our patients.
  - We note that the application details a replacement health facility for the Cedars Practice within Block 7 of the proposed development but does not reference the Oaks Surgery. It is our view based on our emerging clinical model that we look at the options for an integrated health and wellbeing facility for the current two GP practices with the development of either a new leisure facility or as part of the town centre development depending on which site proves most viable in terms of timescale and resource. (*Officer response: see paragraphs 73-81*).
  - In terms of the proposals around a replacement surgery for the Cedars, the following points are critical for the GP Practice and are likely to be deciding factors:
    - Road access - easy access into and around Swanley is essential for health services. Concern that transport links and access will deteriorate due to housing developments. (*Officer response: see paragraph 225-231*).
    - Practices would not support a town centre development where the surgery had minimal natural light and minimal ground floor access. (*Officer response: see paragraph 79*).
    - Proposed community floor space insufficient for an integrated health and wellbeing centre. (*Officer response: see paragraphs 77-79*)
    - CIL funding would be sought. (*Officer response: see paragraphs 300-301*).

*SDC Tree Officer: (summary)*

- 31
- No objection subject to conditions relating to any required pruning

works, tree protection measures and future landscaping, including tree planting. (*Officer response: see condition 34*).

*SDC Environmental Health Officer: (summary)*

- 32
- Recommend conditions relating to: land contamination, noise assessment and mitigation, fume and extract systems and servicing and deliveries. (*Officer response: see conditions 6, 7, 8, 14, 16, 22, 24, 39 and 45*).

*Transport for London: no objection.*

- 33 No objection.

*Kent Police Authority: (summary)*

- 34
- Principle of development generally acceptable
  - No objection subject to condition requiring details of measures to minimise the risk of crime to be submitted for approval. (*Officer response: see condition 19*).

*Thames Water: (summary)*

- 35
- No objection subject to conditions to secure piling method statement and a drainage strategy. (*Officer response: see conditions 9, 10, 11 and 13*).

*Kent Fire and Rescue: (summary)*

- 36
- Tracking diagrams required to show fire appliance access to buildings. Requirements for fire fighting shafts and water mains will be considered under relevant building regulations. (*Officer note: tracking diagrams were provided to Kent Fire and Rescue who made no further comment. Submission of a fire strategy to include details of appropriate fire suppressions systems will be required by condition 43*).

*Natural England: no comment.*

- 37 No comment.

- 38 The following consultees were contacted but have not made any response to date:

- Kent Wildlife Trust
- Network Rail

## **Representations**

- 39 533 representations received (to 02.11.2017) objecting to the application raising the following points:

### *Transport/Highways*

- Impact on road infrastructure
- Impact on parking
- Impact on public transport
- Harm to highway safety
- Access to existing train station needs improving
- No improvement in existing train station and services
- Poor access to existing site
- Lack of electric vehicle charging

### *Infrastructure*

- Increased housing will add to pressure on existing inadequate infrastructure
- Inadequate infrastructure investment proposed
- Inadequate leisure facilities proposed
- Impact on the existing shops and the proposed shops
- Existing shops adequate
- Further unemployment
- Existing vacant shops
- No improvement to existing shops
- Not enough GP surgeries for the area
- Pressure on schools

### *Visual Amenity*

- Inappropriate height and size
- Overdevelopment out of keeping with surroundings
- Impact on visual amenity of the area, including open space
- Impact on landscape
- Light, air and noise pollution from construction and operation

### *Amenity*

- Loss of daylight and sunlight
- Overlooking and loss of privacy

### *Other*

- Lack of affordable housing
- Fire safety
- Harm to local community
- Rise in crime and unsocial behaviour
- Overpopulation
- Impact on drainage and flooding
- Swanley Centre should be listed
- Impact on property value

- 40 25 representations received supporting the application raising the following points:
- Improvement to parking facilities
  - Provision and improvement of public services
  - Regeneration for the area will be an improvement
  - Increased footfall will be good for local businesses
  - Better accessibility
  - Proposal will have a positive impact on the local economy
- 41 11 representations received neither objecting nor supporting the application.

### **Chief Planning Officer's appraisal**

- 42 The following appraisal includes:
- Principal issues
  - Whether the proposals would contribute to regeneration of the town centre
  - Whether the proposals are acceptable in terms of townscape
  - Whether the proposed mix of uses is appropriate
  - Whether the proposals are acceptable in terms of housing tenure, type and size
  - Whether the proposed improvements to the public realm are appropriate
  - Whether the proposals are acceptable in terms of design
  - Whether the proposals are acceptable in terms of highways and parking impacts
  - Whether the proposals would provide acceptable living conditions for future occupiers
  - Whether the proposals would safeguard residential amenity
  - Whether the proposals are acceptable in terms of flood risk, surface water drainage and utilities
  - Whether the proposals are acceptable in terms of contamination, noise and air quality
  - Whether the proposals are acceptable in terms of energy and sustainable construction
  - Whether the proposals are acceptable in terms of impact on trees, ecology and biodiversity
  - Whether the proposals are acceptable in terms of infrastructure provision
  - Whether the proposals are acceptable in terms of phasing and delivery

- Conclusion and overall planning balance

### Principal issues

- 43 Paragraph 14 of the NPPF refers to a presumption in favour of sustainable development as the ‘golden thread’ running through both plan making and decision taking. As part of the plan making process local authorities are advised that they should positively seek opportunities to meet the development needs of their areas. Plans should provide clear policies that will guide how the presumption should be applied locally.
- 44 In terms of the decision taking process this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - Specific policies in the Framework indicate development should be restricted. (*Officer note: no restrictive policies apply to development on this site*).
- 45 There are three dimensions to sustainable development set out in the NPPF, which should be sought simultaneously:
- An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 46 As set out in S36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For Sevenoaks, our Development Plan is the Core Strategy (CS) and Allocations and Development Management DPD (ADMP).

- 47 Policies LO1, L04 and L05 of the CS and policy H2c of the ADMP relate directly to the site and development proposals and help to establish the key planning issues in this location.
- 48 Policy L01 seeks to ensure that we focus development in the built confines of existing settlements. This adopted policy notes that after Sevenoaks, Swanley will be the secondary focus for development with the emphasis on maintaining and enhancing its role and promoting regeneration to meet the needs of the local community.
- 49 Policy L04 relates to the allocation of sites for development in Swanley. Whilst this policy provides an emphasis on the development of sites within the town centre and adjoining areas it is out of date insofar as it refers to provision of approximately 660 dwellings throughout the town. It is out of date because we cannot demonstrate a five-year supply of deliverable housing sites as required by the NPPF. This is relevant when assessing the planning balance later in the report. For employment development the emphasis is on existing employment areas and land adjoining junction 3 of the M25. For all development there will be an emphasis on the provision of additional public open space where opportunities arise and an emphasis on protecting the setting of the town and the physical and community identity of the adjoining settlements, including prevention of coalescence.
- 50 Policy L05 relates directly to Swanley town centre and states that the town centre will be regenerated so that it better meets the needs of the population it serves. The regeneration scheme will be expected to contain a mix of uses including retail, offices, residential and community facilities (including the replacement of existing medical facilities) and will be expected to bring about a substantial improvement in the environment of the town centre. The provision of a hotel is supported through this policy, as well as the improvement of links between the town centre and station.
- 51 In recognition of the sustainable location of the town centre and the aspirations for its regeneration, the ADMP allocates the application site for mixed-use development. Policy H2c indicates that a mixed-use development in this location should incorporate a significant element of residential development and provide for a range of employment, retail and community uses.
- 52 In this context, I am satisfied that redevelopment of the application site would comply with the three dimensions of sustainable development for the purposes of the NPPF.
- 53 For the purposes of complying with the Development Plan I consider that the key priorities for the site are to secure an appropriate mixed-use development to include community use (for appropriate replacement medical facilities) that would result in regeneration of the town centre and

a substantial improvement to the physical environment. These priorities will be a key consideration when taking into account any harm that may occur from different elements of the proposal, particularly where that harm is not capable of being fully mitigated.

#### **Whether the proposals would contribute to regeneration of the town centre**

- 54 Swanley town centre is dominated by a run down and dated shopping centre with extensive car parking and poor quality public realm. It has long been recognised that the town centre is in need of regeneration and this has been well evidenced by different studies produced on behalf of the Council and prospective developers across the last decade. These studies have helped to understand the various challenges facing the town centre and the opportunities that might exist to help it better serve the needs of the town's residents. The studies have identified consistent themes, including the capacity for additional modern retail floor space and the requirement for environmental improvements.
- 55 It follows that the regeneration of the town centre has been a key aim of the Council and local community for several years. To this end, planning policies in our development plan positively support the regeneration of the town centre to help retain local expenditure and the economic prosperity of the town, to strengthen its social function and to enhance the physical environment. Most recently the potential for the growth of Swanley and regeneration of the town centre is recognised in the Swanley and Hextable Master Vision (SHMV).
- 56 The development plan is consistent with government guidance in the NPPF which encourages promoting the vitality of our main urban areas and mixed use developments. The NPPF seeks to ensure the vitality of town centres. This includes promoting competitive town centres that provide customer choice and a diverse retail offer to reflect the individuality of town centres, to retain and enhance existing markets and where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive. Where town centres are in decline local planning authorities should plan positively for their future to encourage economic activity. In recognition of our long standing ambition to regenerate Swanley, the SHMV was produced in 2016. Conceived as a 20 year vision for regeneration it originally sought to deliver up to 4500 homes, new jobs, including an improved shopping centre to provide a better retail and leisure offer linked to new residential development in the town centre and associated infrastructure. Although not all parts of the SHMV will be taken forward as part of the Local Plan, we remain committed to developing a long term plan for growth in the town.
- 57 These policies are consistent with the NPPG which acknowledges that a positive vision or strategy for town centres, articulated through Local Plans,

is key to ensuring successful town centres which enable sustainable economic growth, generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

58 The NPPG notes that once adopted a Local Plan, including any town centre policy that it contains, will be the starting point for any decisions on individual developments, as is the case here.

59 In considering whether the development proposals would result in the regeneration of the town centre as sought by the development plan it is necessary to consider the contribution of the various components of the scheme, both individually and as a whole.

– *Residential*

60 The residential element of the development forms a major part of the overall scheme and this quantum of development has the potential to make a significant contribution to the regeneration of the town centre.

61 Specifically, the introduction of 303 housing units has the potential to bring about immediate benefits, primarily through increasing the local population and in so doing providing direct support to the existing and proposed retail uses through associated town centre spending. A key component of the housing tenure is 132 Build to Rent units. These provide a different housing choice in the form of high quality rental properties. Demand for this tenure is particularly high from young people and these units will help those who want to stay in Swanley but who cannot afford to buy a home. In this respect future occupiers of the residential units would also support existing services and improve the viability of the town centre, including by providing further demand for an evening economy and thereby improving the overall viability and competitiveness of the town centre.

62 The applicant projects the annual ‘additional resident expenditure’ impacts from the development to include £3.8m in shops and services in the local Swanley area. There would be a further £1.3m of ‘first occupation expenditure’ on goods and services, some of which would be captured locally. It is calculated that the increased resident expenditure in the local area would support 40 FTE new direct and indirect jobs, including through the supply chain. The provision of 174 residential units in phase 1 of the development offers the potential to capture a significant proportion of these benefits at an early stage.

63 The proposed increase in local population and uplift in local expenditure could also act as a catalyst by creating a critical mass of residents that would attract new enterprise and help to unlock wider regeneration and private sector investment within Swanley as it becomes a more attractive place to invest

64 More widely housing is acknowledged as being vital for supporting economic growth. The economic contribution attributed to the delivery of housing is widely recognised, including in terms of increasing productivity, supporting existing jobs and creating new ones. The development would facilitate the creation of approximately 130 construction jobs and additional employment associated with the operations of the buildings and the commercial units. The provision and implementation of a Local Employment Scheme would be secured via planning obligation to ensure these benefits of the scheme are realised. These would be further benefits of the development consistent with national planning policy.

65 In summary, I consider that the introduction of this quantum of residential development in this location would make an important direct contribution to the regeneration of the town centre and be consistent with policies L04 and L05 of the CS and policy H2c of the ADMP.

– *Retail*

66 Five separate studies of Swanley town centre produced between 2005 and 2016 indicate that the town centre is underperforming in retail terms and through not meeting the needs of its local catchment is losing a significant amount of trade and expenditure to other areas, including Bluewater, Bromley and Dartford.

67 In identifying opportunities for regenerating the town centre it has been concluded in these studies that the scale of new retail development needs to be sufficient to claw-back a large proportion of expenditure from the catchment area and that smaller scale provision of retail floor space would be unlikely to be attractive to retailers.

68 It was further identified, in the preparation of the Core Strategy that a successful retail development at Swanley would need to provide an improved retail offer including the attraction of national multiple retailers and the provision of modern retail units. Any retail development would also need to offer a range of accommodation attractive to complimentary retail uses (including bars and coffee shops), an improved physical environment and sufficient car parking. These are all recognised as necessary to attract and retain spend in the town centre. These findings were supported by a report by Chase and Partners in 2011 (commissioned by the Council to address submissions in relation to the Core Strategy). That report identified the requirement for larger units to allow retailers to offer a full range of goods and to establish a critical mass for strong brand non-food retail uses.

69 More recently we commissioned consultants to prepare a Swanley and Hextable Master Vision which recognises, amongst other things, existing and future growth pressures in the District and the economic regeneration priority for the town centre. We also commissioned a Retail Survey to

support the emerging Local Plan. This study provides further evidence of loss of expenditure, especially from the north of the District to Bluewater (which accounts for 40% of expenditure loss for comparison goods).

- 70 In this context I am satisfied that the proposal, to create up to 4000sqm of additional modern retail floor space, would be attractive to retailers, including national multiples. This would help to revitalise the town centre by attracting additional visitors (including new residents) and thereby clawing back lost expenditure. This, and the provision of 285 direct on-site jobs connected to the various uses would all contribute to the regeneration of the town.
- 71 Notwithstanding these advantages, the proposed development has the potential to impact on the existing functioning of the town centre and critically the open market held on Wednesdays in the town centre. It is widely acknowledged that the Swanley Market plays a key role in attracting visitors to Swanley and is important to the vitality of the town centre. The Market supports approximately 100 pitches selling a variety of goods and attracts a number of customers beyond Swanley and Hextable. The SHMV notes that the size of the market is considerable compared to the quantum of retail floor space with the town centre.
- 72 The development's proposals recognise the importance of retaining and supporting the continued function of the Market and traders on the Square via the refurbishment of this key space. The proposals also make appropriate provision for the parking of vans associated with the weekly Market. In this regard the proposals are consistent with national policy to retain and enhance existing Markets and to ensure that Markets remain attractive and competitive. It would also be consistent with the regeneration aims of policy H2c which amongst other things requires improvements to the town centre public realm, including an improved environment for Swanley Market.
- *Community*
- 73 The provision of community facilities (to include replacement of existing medical facilities) is a key objective of planning policy relating to the holistic regeneration of Swanley. As noted above a development of this scale and in this location presents an important opportunity to contribute to the successful regeneration of the town.
- 74 It is widely acknowledged that existing health care facilities in the town centre are struggling and that projected growth in the area will further increase demand for health services. In recognition of this the Dartford, Gravesham and Swanley Clinical Commissioning Group (CCG) has produced a Strategic Estates Plan. This document acknowledges that the scale of proposed development across the CCG area will bring significant challenges

in terms of servicing health needs and will require a robust response to ensure health needs can best be met in the right place and at the right time and cost. It is expected that new or greatly expanded facilities will be required to accommodate the existing and additional patients produced by the current proposals.

- 75 The Strategic Estates Plan highlights how health inequality is directly attributed to levels of deprivation and notes that, at Ward level, the highest levels of deprivation within the CCG area include White Oak and St Mary in Swanley (which includes the application site). These Wards lie within the bottom 20% of the most deprived Wards nationally.
- 76 The Plan acknowledges that primary care access can be very limited in these areas and facilities may not be of the highest standard. Indeed, the condition of the Cedars surgery is rated as “red” - which the document identifies as being classified as a building of poor quality with high patient pressure both from existing and future populations and that the premises are unsatisfactory and not suitable for the long term.
- 77 The CCG’s comments on this planning application are consistent with the findings of the Strategic Estates Plan insofar as identifying the requirement for an accessible health centre facility that properly meets the needs of the town’s population both now and in the future. The CCG specifically refer to consideration of options for an integrated health and wellbeing facility for the current two GP practices (the Cedars which forms part of the application site and the Oaks which lies adjacent to it). They refer to the development of either a new leisure facility or as part of the town centre development depending on which site proves most viable in terms of timescale and resource. The CCG also raise concerns that the quantum and location of floor space proposed in this application would be unlikely to be sufficient for their needs.
- 78 It is clear that there is significant demand for healthcare services in Swanley town and St Mary’s Ward in particular and that this is likely to be exacerbated by the increase in population that would result from the creation of 303 residential units as part of this development. In this respect the application proposes the onsite replacement of an existing facility (700sqm) with a modern, larger facility (958sqm).
- 79 Notwithstanding the proposals for 958sqm, this part of the development is in outline and could be capable of providing a greater quantum of accommodation to more closely meet the needs of an integrated health and wellbeing centre with good levels of natural light and various options for ground floor access, as sought by the CCG. In this respect the applicant has agreed to provide for up to 2000sqm of community floor space in Block 7 if demand exists. In the context of the application this could reasonably be

secured by condition and would go some way to addressing the existing and pressing need for a larger facility (see condition 52).

80 In order to ensure appropriate re-provision of the Cedars surgery is made, a planning obligation could require the replacement community floor space to be offered by the owner developer and (if accepted by the CCG) provided to the CCG prior to the demolition of the existing surgery. In the event that the replacement floor space is not accepted by the CCG (which may be the case given the lack of certainty regarding the development's ability to accommodate the CCG's desire for an integrated facility), a financial contribution could be required as an alternative planning obligation and could ensure maximum flexibility for the CCG. I am mindful that a financial contribution could be used to part fund a healthcare facility on an alternative town centre site.

81 In summary, a community use that, at the very least, replaces (and in this instance enhances) that to be lost is understood to be necessary to support regeneration of the town. Whilst the proposed community use may not fulfil the CCG's preferred option for the town, it would be sufficient to comply with planning policy and could be adequately secured and delivered. In this respect I am satisfied that the proposals would support the regeneration of the town centre as envisaged by relevant planning policy.

– *Parking*

82 The site currently benefits from extensive surface level car parking. Parking surveys indicate that other than on Wednesdays (market day), there is a significant under utilisation of parking on a typical weekday and weekend. This is under utilised the majority of the time. It is proposed to replace the existing car parking with 338 spaces, the majority of which would be within the proposed multi-storey car park.

83 The provision of an appropriate level of car parking is considered critical to enhance the vitality and viability of the town centre and to support regeneration. This is consistent with the NPPG which states that in adopting a positive approach to town centres local planning authorities should seek to improve the quality of parking within them (in line with the NPPF) and, where it is necessary to ensure the vitality of town centres, the quantity too. Local planning authorities should set appropriate parking charges that do not undermine the vitality of town centres and parking enforcement should be proportionate, avoiding unfairly penalising drivers. In this instance the car park would be privately operated and managed and parking charges and enforcement would not be in our control.

84 An assessment of the proposed parking provision both in terms of quantum and location has to be made in the context of sustainable transport initiatives being offered and is assessed later in the report. However, the

requirement for appropriate car parking and its role in facilitating the regeneration of the town centre is acknowledged and would comply with policies L01, L04 and L05 of the Core Strategy and policy H2c of the ADMP. The weight to be attributed to this element of the proposal in facilitating regeneration of the town centre will be dependent on whether it would adequately meet the needs of its users.

- 85 In summary, the proposed mixed use development has the potential to provide substantial regeneration benefits to Swanley and is supported by the Planning Policy Officer.

#### **Whether the proposals are acceptable in terms of townscape**

- 86 The proposed development consists of 7 buildings ranging between 3 and 11 storeys in height and will have an impact on the character and visual amenity of the area. By reason of the town centre being located on higher ground than its surroundings, the buildings will be seen both locally from within the town and in more distant views, including from the surrounding countryside. They will have a different visual impact depending on the direction and distance that they are viewed from. The application is supported by a Townscape and Visual Impact Assessment (TVIA). The TVIA uses an established methodology to categorise a number of townscape views (which are representative of the main places where the development could be visible from) based on their sensitivity to change, the magnitude of change and the significance of any effects of that change. The assessment provides a comparison of the impact on the surrounding area against the current situation.

- *Short and medium range impact on townscape*

- 87 The TVIA identifies that the site is screened by existing buildings (including Nightingale House) in short views from the High Street (View 7) and it therefore makes a neutral contribution to this view. Nevertheless, this view of the site has medium sensitivity by reason of its location at a major vehicular gateway to the town centre. The erection of Block 1 would result in a major change by becoming a prominent feature of significantly greater scale than existing buildings. Although the assessment identifies this would have a substantial effect, it considers this would be beneficial by introducing an attractive landmark building that is appropriate to the urban context.
- 88 In my view the stepped height and form of the building would respond appropriately to the 3-storey height of Nightingale House (the nearest building) located at the entrance to Nightingale Way. The tallest elements (9 and 11-storeys) would be significantly greater than the height and scale of existing buildings; however, their prominence would be tempered by the

set backs from the boundaries. The 3-tier stepped form would respect the natural topography of the site in this location.

- 89 The proposals are materially different in terms of height and massing to the withdrawn application. Whilst I do not consider that the height or scale of the development would be beneficial to key short range views, I consider that any harm to the townscape in this location would now be limited.
- 90 Block 1 would also be particularly prominent in medium range views, including from Goldsel Road (View 8) which is one of the main access routes into the town and accordingly has medium sensitivity. The TVIA identifies the site as making a minor contribution to this view. The development would result in the introduction of a significant volume of built form where none currently exists and the assessment identifies the magnitude of change would be major with Blocks 1, 2 and 3 being very visible and prominent within the overall street scene.
- 91 I concur with the findings of the TVIA that the significance and nature of the effect would be substantial. The development would appear prominent in this view, however the revisions since the withdrawn application, including the stepped form of Block 1 would help to break down the apparent visual mass of the building. The use of different brick types to distinguish between the 9 and 11-storey elements would also mitigate the overall perception of bulk that a building of this scale would produce.
- 92 The proximity of Blocks 1, 2 and 3 and the absence of any perceptible gaps between these blocks would increase the cumulative impact of the development from this view. This would however be partly mitigated by the varied design and materials palette of the different buildings. Although the development would result in a major change to the townscape from this location the proposed scale would provide an appropriate landmark for the town centre on this key route from the station. This would facilitate wayfinding and increase the status of the town centre within the urban area.
- 93 The development would be visible in other medium range views on the approach to the site, including from the High Street (View 6) and London Road (View 9). Although of no particular townscape interest, these view points are noted as being of medium sensitivity by reason of their location on highly trafficked routes into the town. The proposed development would have a minor (View 6) or moderate (View 9) magnitude of change and effect. From these views the development would not be unduly prominent and would be read and understood in the context of its urban surroundings. I do not consider that the development would be harmful to local character or appearance from these locations.

- 94 The whole extent of the development is perhaps best appreciated in views from the adjacent recreation ground to the south west. The TVIA includes a representative view from the open ground adjacent to the station (View 10). It is noted as being of low sensitivity by reason of being relatively inaccessible to the general public with few buildings of any significance close to it. Although the TVIA notes the sensitivity of the location may change if a direct link between the station and town centre is established, I consider that this view, and closer views from the school and locally important recreation ground are highly sensitive.
- 95 The application site and adjacent low-rise buildings of Berkeley Court and The Oaks surgery are highly visible in this view. The development would appear significantly greater in scale than the existing low-rise built form and although the distribution of height and mass of individual buildings would appear broadly consistent across the site the cumulative impact, including of Block 1, would be substantial. This is consistent with the TVIA which concludes the development would result in a major change that would have a substantial effect on the nature of the view. In my opinion the distribution of the development and retention of gaps between buildings mean that subject to securing the wider regeneration aims of the site, this quantum of development is capable of being delivered without unacceptable townscape harm.
- 96 No part of the development would be visible in views west on the approach from Swanley Lane (View 5). It would not be prominent in views south on the longer approach from London Road (View 4).
- *Longer range impact on townscape*
- 97 By reason of the topography of the land the proposed development would be visible in longer distance views including from the surrounding countryside and in glimpse views from surrounding arterial roads, including the M25. In these views, visual appreciation of the buildings will be largely restricted to their basic form and silhouette, although the colour of materials can also have a significant impact. The TVIA assesses the impact of the proposals from Eynsford Road to the south west, Pedham Place to the south east and The Olympic (conference and function centre) to the east.
- 98 The existing low rise town centre is not perceptible from Eynsford Road (View 1), with this view being defined by dense woodland and the 8-storey Horizon House beyond. It is identified as of low sensitivity and with the exception of block 1, which would appear similar in scale to Horizon House, the development would be largely screened by trees in the middle distance. The development would result in a minor change to this view that would not equate to harm.

- 99 The town centre is located a similar distance from the representative view from Pedham Place (View 3) as from the representative view from Eynsford Road. The assessment identifies the site to be of low sensitivity with no significant receptors. This land is however used for large car boot fairs which attracts significant numbers of people and is considered to be representative of other views from this side of Swanley, including fleeting views from the M25 motorway. With the exception of Horizon House which is visible on the skyline; the remainder of the view, including the application site is screened by tree cover.
- 100 The proposed development would introduce a significant volume of built form that would be visible on the skyline and create a major new component within the scene. It would appear larger, though not materially higher and at some distance from the existing, isolated built form of Horizon House. The TVIA concludes this would result in a moderate to major change that would have a substantial effect. The assessment infers that the effect would be a positive one with the development forming a beneficial landmark within the overall scene. I consider that from this distance the development would read as a single cluster of buildings and be prominent on the skyline. Whilst there would be some harm, this would be limited by reason of the remote nature of the site.
- 101 The long distance view from the area of amenity space adjacent to The Olympic (View 2) is more sensitive; the assessment attributes medium sensitivity to this view. The existing town centre is visible although largely indistinguishable in the context of surrounding buildings. The assessment identifies the development would result in a moderate to major magnitude of change by introducing a significant new component within the scene. By reason of the orientation of the site, the height and mass of Blocks 1 and 4 would be clearly visible and result in a substantial impact on the skyline. The development would landmark the town centre and whilst I do not concur that this would be beneficial from this location I do not consider it would be so large or prominent as to be harmful either.
- 102 Additional information relating to views from fields to the south of Swanley Village and from close to the railway lane on Beechenlea Lane have been submitted. The TVIA identifies these views as being of low sensitivity by reason of their relative inaccessibility and distance from the application site. The significance and nature of the effect from these locations would nevertheless be substantial by becoming a prominent feature on the skyline from these locations. The development would landmark the town centre and whilst I do not concur that this would be beneficial from this location I do not consider it would be so large or prominent as to be harmful either.
- 103 In considering the visual impact of the development from the south-east, including from Eynsford Road, Pedham Place and The Olympic I am mindful that the proposals differ from those in the withdrawn application.

Specifically, the reduction in height and massing and the use of lighter, more appropriate facing materials, has the effect of reducing the prominence of the largest element of the development on the skyline. In my view this significantly reduces the townscape harm.

- 104 A large number of objections have been expressed by local residents in relation to the height, scale and design of the development. These are echoed by the Town Council. I have found that the proposed development would alter the local townscape and create an urban scale to the town centre which is currently characterised by low rise buildings. It is however important to recognise that townscapes evolve over time, and is often a necessary response to accommodating different needs of a place.
- 105 Paragraph 65 of the NPPF is relevant here. It states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. The proposals would provide modern buildings of distinctive character and high design quality. I have found that the principle of larger buildings befitting of this sustainable central location is acceptable. Although the combined height, scale and massing of the development would be substantial it would appropriately signpost the town centre and associated activity. I have found that any townscape harm arising from key views would be limited.
- 106 An assessment of this townscape harm identified against the wider benefits of the development, including the potential to secure regeneration of the town centre, will be assessed later in the report.

#### **Whether the proposed mix of uses is appropriate**

- 107 The proposals for the redevelopment of this site include a mix of residential, retail, commercial and community uses as below.
- Residential
- 108 Paragraph 23 of the NPPF states that local planning authorities should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites. Policies L04 and L05 of the Core Strategy identify the need for new homes in Swanley and the suitability of the site for accommodating an element of residential development. Policy H2c of the ADMP allocates the site for a significant element of residential development.
- 109 The proposals include the introduction of 303 residential units across this accessible town centre site. The residential units would include part Build to Rent (BtR) and part open market. 132 BtR units would be provided in

Block 1 and 42 market units would be provided in Block 2 to be delivered in Phase 1A of the development.

- 110 A fuller explanation and assessment of the type, size and mix of the proposed housing and its suitability to this site will be considered later in the report. However for the reasons given above the principle of residential development in this location is acceptable and in accordance with relevant planning policy.
- Retail
- 111 The NPPF and development plan seek to ensure the vitality of town centres. This includes the requirement to promote competitive town centres that provide customer choice and a diverse retail offer. Equally important is the need to reflect the individuality of town centres, to retain and enhance existing markets and where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.
- 112 Studies of Swanley town centre produced between 2007 and 2016 indicate that the town centre is underperforming. Through not meeting the needs of its local catchment Swanley is losing a significant amount of trade and expenditure to other areas, including Bluewater, Bromley and Dartford.
- 113 In identifying opportunities for regenerating the town centre, it was concluded that the scale of retail development needs to be sufficient to claw-back a large proportion of expenditure from the catchment area and that smaller scale provision of retail floor space would be unlikely to be attractive to retailers (Chase and Partners Report, 2011). This report also identified the requirement for larger units to allow retailers to offer a full range of goods and to establish a critical mass for strong brand non-food retail uses.
- 114 The study by GVA Grimley in 2007 identified that by improving retail provision in Swanley, comparison trade would be drawn away from other centres, but that this would not harm the vitality and viability of these centres. A Retail Study update by GVA Grimley in 2009 identified further trends in retail shopping, including the movement from shopping as a wholly necessary function (to satisfy needs) to a more quasi-leisure experience (to satisfy wants) and identified the importance of promoting quality restaurants, coffee shops, cafes and bars within town centres.
- 115 The recent Retail Study 2016 (commissioned by the Council) identifies a need for additional comparison and convenience floor space across the District and estimates that Swanley could accommodate 2000sqm of additional comparison floor space and 1600sqm of additional convenience floor space up to 2035.

- 116 The proposals include the provision of up to 4318sqm of retail and commercial floor space (uses A1-A5 and B1) at ground and first floor level across the site. The provision of additional high quality modern retail units in this town centre location would attract and retain spend in the town centre and is acceptable in principle.
- 117 The limited range of goods and the poor quality of the town centre environment has also been consistently identified, including in the Retail Survey 2016 and in our initial consultation on the SHMV. The poor quality public realm is a significant contributory factor to its underperformance. The Retail Impact Study acknowledges that the environmental quality could be softened through urban greening and improvements to the public realm.
- 118 An assessment of the amount, type and location of the retail use is considered later in this report; however, in summary, the proposed uplift in retail use is considered appropriate in this town centre location and would make an important contribution to the regeneration of the town centre.
- 119 The quantum of retail floor space proposed for Swanley town centre in this application would provide the potential to offer a wider range of goods, improve the centre's trading performance and reduce expenditure outside the town and District and is therefore supported by the Planning Policy Officer.
- *Commercial*
- 120 Our Economic Needs Study produced in 2016 identified the need to make provision for an additional 11.6 hectares of new commercial land (to include 7.2 hectares of B1a/b employment land suitable for office use) across the District up to 2035.
- 121 Given the size and accessibility of Swanley, it is likely that a proportion of future employment land will be located in and around the town. In this context the proposals to provide Class B1 commercial floor space on an existing developed site would be in accordance with national and local planning policy and consistent with the findings of the Economic Needs Study.
- 122 In order to ensure that the development meets the various aims of relevant planning policies, the quantum of ground level floor space permitted to be Class B1 commercial floor space will be limited to 30% of the total in accordance with the recommendation of the Planning Policy Officer.
- *Community*
- 123 The proposals include the provision of up to 958sqm of Class D1 community floor space. This would be provided over part of the ground and whole of

the first floor within block 7 and delivered in phase 5. This would be a replacement (and enlargement) for the 700sqm of existing community floor space that would be lost through the demolition of the Cedars doctors' surgery. This use would be appropriate in this location and would comply with the objectives of policies L04 and L05 of the CS and policy H2c of the ADMP.

**Whether the proposals are acceptable in terms of housing tenure, type and size:**

- 124 The principle of residential development in this location is acceptable; however it is necessary to consider the size, type and tenure of the residential use and whether the proposal would comply with relevant planning policies.
- 125 In defining sustainable development the NPPF identifies the need for local planning authorities to support strong, vibrant and healthy communities. The supply of homes required to meet the needs of present and future generations is central to planning for sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF also states that local planning authorities should, amongst other things, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- Affordable housing
- 126 The NPPF states that local planning authorities should set policies for meeting the identified need for affordable homes on site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 127 Policy SP3 of the Core Strategy requires the provision of 40% affordable homes for residential developments of 15 dwellings or more, subject to viability. In addition, of the 40% affordable homes, at least 65% of the units should be social rented. Our 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.
- 128 The proposed development would deliver 303 residential units in the town centre comprising 132 Build to Rent (BtR) units and 171 private market units. The BtR model offers purpose built high quality professionally managed homes with longer, more secure tenancy terms. Unlike private sale housing, BtR homes do not require a large equity deposit or access to a mortgage. This model therefore caters for the growing number of medium-income earners unlikely to be eligible for social housing and also unable to

afford private sale housing. Research collated by the English Housing Survey and Knight Frank (August 2017) identifies that nearly half (46%) of 25 to 34 year olds live in the private rented sector. This represents an increase from 24% in 2006. The BtR tenure is a growing sector, with 16000 BtR units completed across the UK and a further 20,600 under construction.

- 129 BtR housing providers charge a market rent and this housing model does not constitute affordable housing for the purposes of national or local planning policy. The applicant is not proposing any affordable housing nor a commuted sum towards off-site provision for reasons of viability. The application is therefore contrary to policy SP3.
- 130 In consideration of this issue it is relevant to note that the National Planning Policy Guidance (NPPG) highlights that the economics of such schemes differ from build-to-sale and should be determined on a case-by-case basis. To help ensure these schemes remain economically viable - while improving the diversity of housing to meet local needs, NPPG suggests that local planning authorities should consider the appropriate level of planning obligations, including requirements for affordable housing, and when these payments are required.
- 131 The Sevenoaks Strategic Housing Market Assessment (SHMA) is also relevant and states that *“The Build to Rent sector is currently small but there is growth potential. It can contribute positively to overall housing delivery, however the Council may need to consider how affordable housing policies are applied to this Private Rented Sector housing, given that the viability of such schemes is very different to those of more ‘traditional’ market or mixed tenure developments.”*
- 132 This planning application is supported by a Planning Viability and Housing Statement (PVHS) prepared by Quod. The PVHS concludes: *“The viability of the scheme is extremely challenging due to increased build cost inflation and the costs associated with the extensive landscaping and public realm improvements and replacement of the surface car parking and community facilities. The viability is also challenging due to the distinct financial challenges facing the UK’s emerging Build to Rent market as recognised in national planning policy... In accordance with planning policy a financial assessment has been prepared and submitted to support the application. The model, which is subject to review by the Council, demonstrates, that based on current day costs and values the scheme cannot support the delivery of any affordable housing.”*
- 133 Independent viability consultants, Dixon Searle Partnership (DSP) have independently reviewed the financial viability of the development proposals on behalf of the Council. DSP agree with the applicant’s methodology and approach to assessing viability which includes a residual valuation of the proposed development, including an allowance for developer profit.

- 134 DSP have undertaken a robust review of the scheme, which includes identifying whether any key revenue assumptions (e.g. sales values estimates) have been under-assessed or any key cost assumptions (e.g. build costs, fees) over-assessed as both of these effects can have an impact on viability outcomes.
- 135 Whilst DSP agree that the majority of assumptions made in terms of the various costs and values are reasonable, they consider that the viability of the scheme may have been understated. The applicant's position is that the development is c.£9.5m short of breaking even before any allowance for affordable housing provision is made. By applying various adjustments to some of the assumptions, DSP conclude that the deficit is narrowed to c.£5.3m. This still represents a significant deficit and in these circumstances the development would not be viable or able to bear the full costs of developer contributions, including affordable housing.
- 136 In this type of situation developments will generally only come forward where the applicant is prepared to take a significantly longer term view. In this case, the applicant, U+I, have owned the site for more than 10 years and have shown confidence in the redevelopment as adding long term value to their asset through investing in this planning application. They have confirmed the applicant is able to deliver the scheme by taking a longer term view on achieving a return on the development expenditure (including through the Build to Rent tenure). The applicant is confident that the development represents a long term investment that will ultimately deliver an acceptable level of return both directly and indirectly to their business.
- 137 DSP's conclusions do however indicate the potential for movement in viability outcomes over a period of time, and/or with different assumptions in place. The RICS Guidance 'Financial Viability in Planning' is relevant and states that "*a viability assessment captures a point in time, taking account of costs and values at that date.*" Any changes in assumptions (for example an uplift in sales values) would be likely to be reflected in an improvement in scheme viability. Equally, the opposite is true and any fall in sales values would be reflected in a worsening of scheme viability. This is acknowledged as the applicant's risk.
- 138 It is currently unlikely that any conceivable changes in assumptions would support such a substantial swing as to support the provision of any affordable housing. However, in light of the phased nature of the development it is considered reasonable to require an appropriate review of the viability of the scheme in the future. This would enable a further assessment of whether any provision or contribution towards affordable housing would be viable. This could be secured via the planning obligation.
- 139 In summary, we are satisfied that the development could not viably support any affordable housing at this time. This would include the ability to secure

any of the Build to Rent units at affordable private rents (defined as rent at least 20% below market rent). The non viability of the development represents the exceptional circumstances permitted in policy SP3. There are a number of factors relevant to the acceptability of this. It is important to note that the Council is implementing strategies to help to meet future affordable housing needs through the existing social housing stock. This includes refurbishing and/or remodelling existing social housing facilities and making more effective use of the existing social housing stock by better matching households to properties including through the under-occupation initiative. In this respect, and in the context of the wider imbalance of social housing in Swanley, the inability of this development to provide affordable housing is acceptable. Any wider impacts of non-provision, for example on adjoining authorities, is not material to the application.

140 In the context of the history of failed proposals to regenerate Swanley town centre, the potential regenerative benefits of the application proposals are significant. Since the adoption of the development plan no viable proposals for the regeneration of the town centre have come forward. The applicant owns a large part of the town centre and has intimated that, in its opinion, the development of this site could act as a catalyst for redevelopment of the wider town centre. Taking all of the above into account, I am satisfied that the lack of any affordable housing is acceptable.

- Housing tenure

141 Turning to the acceptability of the BtR and market housing tenures in this location, NPPG acknowledges the contribution that Private Rented Sector (PRS) housing has in providing housing for long-term rental and in improving the diversity of housing to meet local needs. BtR is one type of PRS housing. In the case of Swanley it has been identified that, notwithstanding high demand, particularly from young people, only 7% of housing stock in Swanley is privately rented compared to a national average of 17%. This undersupply of rental properties restricts housing choice for those households unable to access other tenures.

142 Furthermore, there is a high concentration of social rented housing in Swanley, which comprises 37% of the total compared to the south east average of 14%. In addition, there are a number of social housing developments coming forward and these will provide additional social housing in Swanley in the future. There is a high proportion of semi-detached and terraced houses within Swanley and a shortage of residential development in the town centre.

143 In this context the provision of BtR housing would help to diversify the mix and achieve a more balanced local housing market. In particular, it would address the existing shortage of private rental properties and provide housing in the form of flats in the town centre. Private rented sector

housing is traditionally dominated by small scale landlords and can be subject to higher levels of mismanagement and disrepair. In this respect the introduction of BtR housing also has the potential to result in benefits to the quality of existing private rented housing stock as landlords respond to increased choice and competition.

- 144 The BtR units are designed specifically for the private rental market. A planning obligation could secure their retention for private rent for a minimum period of 15 years. The applicant has also agreed to a local connections and lettings obligation requiring 20% of the BtR homes to be offered to local people first for a set period of time. This is supported by the Housing Policy Officer and these matters can also be addressed by way of a planning obligation. Although outside of the scope of policy SP3 this would support the aims of policy L05 which seeks regeneration to better meet the needs of the local population.
- 145 In summary, the proposed BtR and market housing would provide an appropriate mix of new homes in the town centre and would help to meet an identified housing need. Our housing policy team support the proposals in this regard.
- Housing size
- 146 Turning to housing size, 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 explicitly seeks the inclusion of small units (less than 3 bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. The recently completed Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) is also relevant and identifies that the greatest need for housing in the District is for 2 and 3 bedroom properties with 3 bedroomed being the greatest need equating to 40-45% of the overall need.
- 147 All of the residential units would be flats with the majority provided in the form of studio (6%), 1-bedroom (37%) and 2-bedroom (57%) units thereby complying with policy SP5. Whilst the proposal does not wholly meet the housing need identified in the SHMA in terms of size, it would provide for a mix of units which includes 3 bedroom flats (1%). The current proposal includes less studios and more 2-bedroom units than proposed in the withdrawn application and is more closely aligned with the evidenced need.
- 148 It is also noted that the BtR homes are designed primarily with younger people in mind, with the core demand for the proposed BtR units anticipated to come from young professionals attracted to the accessibility of the site and the facilities offered. The high density of the proposal is not

best suited to the provision of 3 bedroomed family accommodation and in this context the mix of housing size is acceptable and supported by the Planning Policy Officer.

### **Whether the proposed improvements to the public realm are appropriate**

149 The proposals include various public realm enhancements, notably to Swanley Square, Station Walk, Market Lane and Nightingale Way. It is well documented, including in the Core Strategy, the GVA Study in 2005, C and P Report 2011 and the Swanley and Hextable Master Vision that the physical environment of Swanley town centre is in need of improvement. In particular, the SHMV identifies that currently the town centre consists of large areas of surface car parking with inactive frontages and unattractive pedestrian spaces and that it is not a very pleasant place to stop and spend time. This is one of the reasons attributed to the high leakage of retail spending in the north of the District. Accordingly, policies L01 and SP1 of the Core Strategy seek to ensure that the physical environment of any scheme is enhanced through regeneration and in this regard those elements of the scheme which seek to enhance the environment for users of the town centre and improve the public realm, are in accordance with planning policy.

#### *– Swanley Square*

150 Swanley Square is the formal square within the pedestrianised zone of the existing shopping centre. The regeneration of the square is key to the successful integration of the proposed development with the existing shopping centre. In this regard, the proposed implementation of these public realm works within phase 1B of the proposals is welcomed and although submitted in outline, its delivery could be secured through a planning obligation.

151 The existing square is dominated by hard landscaping and lacks soft landscaping. Routes to the square from the south are narrow and uninviting. The outline proposals to introduce container planting, feature trees, seating and lighting would significantly enhance the interest, character and visual amenity of the site. The proposals would also permit greater pedestrian connectivity and integration with the weekly Market. A wind assessment was undertaken which assesses the effect of the built environment on local wind conditions. The wind assessment confirms Swanley Square would be sheltered from prevailing south westerly winds and would provide for comfortable 'sitting' conditions during summer.

#### *– Station Walk*

152 The erection of blocks 1 and 2 would comprise Phase 1A of the development and this also includes public realm enhancements associated with Station Walk which links the pedestrianised section of London Road through to

Nightingale Way. As existing, Station Walk comprises a part pedestrian link, part car parking and servicing access, albeit all of poor quality. The capacity for Station Walk to make an important contribution to the regeneration of the town centre was recognised throughout pre-application discussions.

153 As proposed, Station Walk would be located at the junction of two key pedestrian flows, one north-south and the other east-west. The north-south route linking the shopping centre with the recreation ground is an important urban route; the east-west route along Nightingale Way will be primarily used by pedestrians passing between the multi-storey car park, Nightingale Way retail units and proposed bus stop.

154 The proposed layout is such that Station Walk will provide a direct connection between the car park and shopping centre and enhance the connectivity and permeability of the site. This fact combined with the location of the main entrances to the residential components of blocks 1 and 2 would result in a significant increase in use of this link by visitors and residents; the Design and Access Statement refers to a hub of residential activity being located between the residential entrances to blocks 1 and 2. The wind assessment identifies that Station Walk would be suitable for 'strolling' during the windiest times of the year and are appropriate for thoroughfare use. The windiest conditions (those classified as suitable for 'walking') would only occur within very localised areas close to the corners of Block 1.

155 In the context of the multiple uses, the safe functioning of the space and the management of potential conflicts between pedestrians and vehicles is key. In this regard the proposals have been amended since the withdrawn application. The proposals now include hard and soft landscaping (to include variegated paving materials and vertical planting) to better delineate the space. The proposals also include a protected pedestrian colonnade to reduce potential conflicts between pedestrians and vehicles and would provide a positive arrival experience for visitors to the town centre.

156 The applicant has demonstrated that existing service vehicle movements are limited. These measures, combined with appropriate conditions relating to timings of servicing and deliveries will ensure that potential conflicts are mitigated (see conditions 39 and 45).

– *Market Lane*

157 Market Lane would be located between blocks 6 and 7 of the development and provide pedestrian access between Nightingale Way and Swanley Square thus providing an important link between the existing shopping centre and proposed retail street. This space would benefit from having active retail frontages on both sides and through high quality hard and soft landscaping would result in the creation of a high quality public space. Although the

wind assessment identifies the seating areas in this location to be subject to higher winds than in Swanley Square (due to the channelling of the prevailing south-westerly winds between Blocks 6 and 7), this would be alleviated by a well-designed landscape strategy capable of providing wind mitigation in these areas.

– *Nightingale Way*

- 158 With the exception of Block 1, the proposed buildings would present active frontages to Nightingale Way and would have a dual purpose as a movement corridor and a pedestrian friendly retail street. This is seen as a key component in the regeneration of the town centre. To this end the public realm improvements in this location are critical. Limited public realm enhancements are proposed to that part of Nightingale Way adjacent to Block 1 as part of Phase 1A with the majority proposed to be delivered in Phase 5 (upon completion of the buildings).
- 159 As existing, Nightingale Way connects various car parks and accommodates the vast majority of vehicular traffic through the site. It consequently lacks any sense of place. The proposals allow for the implementation of a new traffic management strategy which includes the routing of the majority of vehicles to and from the roundabout at the junction with Nightingale Way and High Street. This would permit the narrowing of the road and widening of the pedestrian area to create a more pedestrian friendly environment. It is proposed to enliven this area through high quality hard and soft landscaping, including tree planting and planters to facilitate shrub and herbaceous planting and installation of street furniture including cycle stands, seating and lighting. These enhancements are welcomed as a positive approach to the development of this area and would be secured by condition and in the planning obligation through appropriate phasing.
- 160 In summary, the development would make provision for enhancing the permeability and legibility of this part of the town centre for future visitors through the creation of high quality public realm. Subject to appropriate conditions the hard landscape materials and specification would be high quality and appropriate for these prominent and well trafficked locations, and would in my view be complimentary to the proposed buildings. The incorporation of extensive soft landscaping, including within the building design, would reference the history of Swanley as a horticultural centre, of which much has been lost and little evidence remains.
- 161 In this regard, the development would comply with policy EN1 of the ADMP which requires new development to provide satisfactory means of access for vehicles and pedestrians, for new development to be inclusive and, where appropriate, make satisfactory provision for the safe and easy access of those with disabilities, and for the design of new development to result in the creation of a safe and secure environment. It would also be consistent

with paragraph 35 of the NPPF, which requires developments to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and paragraph 69 of the NPPF, which requires planning decisions to achieve places which promote safe and accessible developments, containing clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas.

- 162 An assessment of the weight to be attributed to the public realm enhancements and their potential to bring about a substantial role in the environment of the town centre (policy L05 of the CS) will be assessed later in the report.

### **Whether the proposals are acceptable in terms of design**

- 163 Paragraph 56 of the NPPF states that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”, the Government attaching great importance to the design of the built environment. Policy SP1 of the CS 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. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. 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.
- 164 The effect of the proposed development upon the character and appearance of the area includes the effect of all buildings, car parking areas and public realm within the development proposal. The site is prominent within the town centre and the wider urban scene, particularly in views from the south, east and west as a result of the higher ground level of the town centre. The redevelopment 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 redevelopment in the Core Strategy, there is no ‘in principle’ objection to this change.
- 165 The following assessment relates to a consideration of the proposed development in respect of its layout and design, height, scale, form and massing.
- *Layout and design*
- 166 The existing site is characterised by the back of house functions associated with the existing shopping centre, including surface level parking, service

yards and unanimated facades. Vehicles dominate the site and it suffers from poor permeability and legibility within and between the site and existing shopping centre and adjacent recreation ground.

- 167 The proposed layout of the development has respected the need to retain Nightingale Way which runs through the site. The layout strategy includes the provision of active frontages at ground floor and a new retail street fronting Nightingale Way. The proposals also include the provision and enhancement of pedestrian routes across the site including Nightingale Way, Market Lane and Station Walk. These proposals would improve permeability across the site and combined with the retention and enhancement of access points into the recreation ground would allow opportunities for connectivity with the wider area, including the adjacent recreation ground and train station. The provision of public access within and across the site could be secured through the planning obligation.
- 168 The proposals also include high quality public realm enhancements across the site, including to Swanley Square within the existing shopping centre. In short, the proposed development would comprise the replacement of unattractive and under utilised previously developed land with a high quality town centre development to significantly enhance the appearance of the site. The proposed phasing of the development is considered below.
- 169 In terms of design, the broad architectural approach is overtly contemporary featuring well articulated simple forms, contemporary proportions and a simple but varied palette of high quality materials. The proposals aim to create a distinctive identity by drawing on the towns' horticultural history and associations with Swanley in Bloom. To this end the proposed integration of planting into the building design, including the planting of hops on the building facades and provision of roof level community gardens and allotments is considered to be a well conceived celebration of the town's past. Ongoing maintenance arrangements of these elements of the building design by the applicants would need to be subject to appropriate conditions (see conditions 33 and 50).
- 170 The development would result in the provision of new contemporary urban architecture adjacent to more traditional built form and would introduce a distinct character and aid legibility for visitors and future residents of the town centre. The development would add variety and interest to the character and appearance of the town.
- *Blocks 1 (part 5, 7, 9 and 11 storeys) and 2 (part 6 and 8 storeys)*
- 171 Block 1 would be the largest building and located adjacent to Nightingale Way and the railway line at the entrance to the site. This block would incorporate the multi-storey car park at basement, ground, first and second floors with 132 BtR residential units above within two linear blocks

orientated east-west. The multi-storey car park is appropriately located close to the main vehicular access to the site thereby limiting unnecessary vehicle movements through the site. Each linear block would have a mix of units that overlook either the central amenity space or surroundings. Pedestrian access for residents and users of the multi-storey car park would be via Station Walk.

- 172 As is common across the development, Block 1 would adopt a simple grid form with an alternating hierarchy of window openings, both in terms of height and width. The taller elements of the building would employ a double height hierarchy whilst the lower elements would retain a single storey hierarchy. This helps reinforce a human scale at lower levels and reduce the perceived scale at upper levels. The buildings are well articulated by incorporating inset and projecting balconies, splayed panels and reveals.
- 173 The treatment of the multi-storey car park on the lower floors of the building would be consistent with the wider design approach. The design incorporates a regular pattern of openings with inset latticework to facilitate the growth of climbing plants. This would add some visual interest and soften the hard appearance of the building. With the exception of the vehicular and pedestrian accesses, the lower floors of Block 1 would not present an active frontage to Nightingale Way or Station Walk. The proposals differ from the withdrawn application and now include more prominent building entrances on Station Walk and a covered pedestrian colonnade/arcade with potential to be utilised by market stalls.
- 174 The building would be predominantly brick with the different elements of the building expressed through subtle variations in brick type and colour. The taller element would utilise a light stock brick and the lower elements a warmer coloured brick. The building would also incorporate textured brick detailing, metal reveals and panels and balustrades to add further articulation. The pedestrian access to the multi-storey car park would be enclosed by perforated metal panelling which would act as a canvas for public art (see condition 44). Subject to appropriate conditions to ensure appropriate quality, the proposed design and use of materials would add interest to the existing poor quality townscape (see condition 20).
- 175 Block 2 would comprise retail use at ground floor and 42 market residential units above. The retail use would front both Nightingale Way and Station Walk and promote street activity in the town centre. Pedestrian access to the residential units would be from Station Walk. In terms of design the building would copy the simple repeated grid pattern of block 1 albeit incorporate precast stone banding and aluminium and stone window surrounds. It would be articulated through the use of splayed window reveals and projecting balconies. The predominant material would be brick, albeit of a different tone to Block 1.

– *Block 4*

- 176 Block 4 would comprise retail at ground floor and first floor and 36 market residential units above. The provision of active frontages on three sides of the building would promote street activity and be welcomed in this town centre location. A number of dedicated parking bays would be located on land adjacent to Block 4 to serve the residential use. This gap in the building frontage is also necessary to retain access to the secondary entrance of the existing Wilko store. The design of the building would be similar to Block 2, and incorporates a two storey plinth to define the lower level retail use. The building elevations would adopt the same ordered approach as Blocks 1 and 2 and incorporate inset and projecting balconies and sections of recessed brickwork. The materials palette would reflect the wider development through the use of brick type and precast stone, however would also incorporate bronze panelling and glass and metal balustrades.
- 177 The NPPF recognises that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to) replacing poor design with better design. I am satisfied that the detailed design approach (which, through provision of landscaping, would in part reflect the town’s horticultural past) is well considered and appropriate to the area. In particular, the regular grid pattern would present a strong rhythm and create a robust design. The predominant use of various types of brick would reflect the local vernacular whilst introducing an architectural richness to the site.
- *Height, scale, form and massing*
- 178 Buildings within the town centre, the surface level car parks and the large recreation ground inform the existing visual character of the area. The existing buildings are low rise (between 2 and 3-storeys in height) and of little architectural merit or distinct quality. They make a neutral contribution to townscape character. The tallest existing building in Swanley is 8-storeys (Horizon House) and located to the west of the town centre adjacent to the train station.
- 179 Policy H2(c) of the ADMP identifies the opportunity to redevelop the site to a ‘suitable scale’; but, importantly, does not prescribe actual building heights. It is relevant to note that the Design and Access Statement confirms that the form and massing of the development are *‘first defined by the need to establish a critical mass of development that will deliver the quantum of residential and retail units to create a vibrant and successful mixed-use environment.’*

- 180 The proposals include the erection of a 9 and 11-storey building at the southern entrance to the site and the creation of 4 x 8-storey buildings located adjacent to both sides of Nightingale Way. The top two storeys of the 8-storey buildings would be set back from the street at an acute angle. Whilst not reducing the overall bulk and height of the buildings in long views, this feature would reduce the perceived height of the buildings in the street scene and would provide a degree of uniformity across the development. The buildings located opposite the 3-storey Berkeley Court would be significantly lower, at 3 and 5-storeys.
- 181 Blocks 1, 2 and 4 are the subject of a detailed planning application. Block 1 would be the highest part of the development and would have the effect of creating a landmark in the town centre, visible from the train station.
- 182 The design of Block 1 has evolved throughout pre-application discussions to incorporate a stepped form that helps to break down the perceived mass. It steps up from 3 and 5-storeys at the southern edge of the site to 11-storeys in the north towards the centre of the site. The building has two linear forms located parallel to each other and orientated east-west over a 3-storey plinth with communal amenity space located in the centre. Although appearing rectangular in form, the projecting towers would feature sharp angled corners which would give the buildings a distinctive appearance and help to offset an otherwise blocky visual effect, particularly at upper level. The acceptability of its height is considered below.
- 183 Block 1 would be a large building, in part because of the requirement to accommodate a multi-storey car park. Its substantial footprint would be a consequence of this. The lower section (which would flank the main access road and public realm on three sides) gives the impression of a building of some considerable bulk and mass and this would be in stark contrast to the smaller and finer grain of existing buildings. Nevertheless, this building would be located at one of the main entrances to the town centre and in my view a larger building is capable of being accommodated in this location.
- 184 Block 2 would be located adjacent to block 1 and occupy a corner plot facing both Nightingale Way and Station Walk. It would comprise a single building of part 6, part 8 storeys in height. The two upper storeys would be cut back at an angle to minimise the building height on the Nightingale Way elevation. This is a design feature replicated on Blocks 3, 4, 5 and 6 fronting Nightingale Way. In terms of height, form and scale, Block 2 would appear appropriate in the context of the higher Block 1. However, it would also appear substantial in the context of the existing shopping centre and 2 and 3-storey heights of existing buildings fronting Nightingale Way.
- 185 Block 4 is located towards the western end of the site and would occupy an existing surface level parking on a corner plot where Nightingale Way turns

north. The building would replicate the height, form and scale of Block 2 insofar as comprising 6 storeys with a set back upper level.

186 However, it would also include a two-storey section located on the corner. The lowest parts of the building would be consistent with the height of surrounding buildings, including Aldi and the existing shopping centre. There are, however, larger buildings towards this end of the town centre, including a residential building and church and in this context the height of the proposed building would not be harmful to the local townscape.

187 Blocks 3, 5, 6 and 7 are submitted as an outline application with matters relating to appearance and landscaping reserved. In all cases, pedestrian access to the buildings would be via prominent elevations and would secure appropriate active frontages. The parameter plans show maximum distances between existing and proposed buildings and maximum building heights which in the case of Blocks 3 and 5 would be 8-storeys. Block 6 opposite Berkeley Court would be part 2, part 5-storeys in height with an appropriate set back at the head of Market Lane. Block 7 would be the lowest block at 3-storeys in height with a set back to mirror that of Block 6. Block 7 would provide retail/commercial floor space at ground and first floor and community floor space at second floor. It would be located adjacent to Swanley Square. The lower height of this building is considered to be acceptable.

188 Paragraph 65 of the NPPF is relevant and states that “*local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design*”. The height, form and scale of Block 1 has been revised since the withdrawn application to better respond to the particular circumstances of the site. Although this high density development would represent a departure from its lower density surroundings it would be of consistently high design quality in a sustainable town centre location. It is not wholly clear what the Town Council’s reference to ‘over intensification’ relates to but in my view the buildings would be acceptable in terms of height, scale, massing, design and materials. The development would make a positive contribution to the built form of the town in accordance with relevant planning policy.

- *Impact on heritage assets*

189 Policy SP1 of the Core Strategy seeks to ensure that the District’s heritage assets and their settings will be protected and enhanced. Policy EN4 of the ADMP advises that proposals that affect a heritage asset or its setting will be permitted where the development conserves or enhances the character, appearance and setting of the asset. Applications will be assessed with reference to: the historic and/or architectural significance of the asset; the

prominence of its location and setting; and the historic and/or architectural significance of any elements to be lost or replaced.

- 190 Paragraph 131 of the NPPF states that *“in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 191 Paragraph 135 states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 192 There are no listed buildings within a 1km radius of the site (the nearest listed buildings are the Grade II Moat Farmhouse, Green Court Road and Petham Court, Crockenhill some 1.25km distant). At this distance I do not consider the setting of these listed buildings to be affected by any part of the proposals, including the part 11 storey building. The Swanley Village Conservation Area is a designated heritage asset located over 1.5km to the east of the site. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the local planning authority requiring special regard to be had *“to the desirability of preserving or enhancing the character or appearance”* of a Conservation Area.
- 193 Any views from within the Conservation Area would be limited to the outer edge and of the built form of the town beyond the intervening fields. Whilst the development would be likely to be visible on the skyline, this would be from limited vantage points and by reason of the distance would not be harmful to the setting of the Conservation Area.
- 194 The nearest non-designated heritage asset is St Mary the Virgin church (in whose grounds stands the Grade II listed war memorial). The church and war memorial is located approximately 125m to the north-west of the application site. The development would be separated from the church and war memorial by the 2 and 3-storey form of the existing library and Little Heath Apartment block and in my view the proposed buildings would have no impact on their setting which is characterised by its open and prominent corner location and is distinct from the commercial and residential buildings nearby.

- 195 The site lies within an area of potential for early prehistoric remains. Archaeology of interest may survive at depth (below the relatively light development of the past) and in accordance with the recommendations of the County Archaeologist a condition requiring submission of a desk based assessment to identify the archaeological potential of the site, to include appropriate archaeological field evaluation works and, where necessary, further archaeological investigation, recording and reporting will be required by condition to ensure that features of archaeological interest are properly examined and recorded (see condition 15).
- 196 In summary, I am satisfied that the development would not result in any harm to designated heritage assets in accordance with relevant policy.

#### **Whether the proposals are acceptable in terms of highways and parking impacts**

- 197 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.
- 198 The government's approach to the promotion of sustainable transport is set out in paragraph 29 of the NPPF and recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary between places. Paragraph 30 of the NPPF suggests that local planning authorities should *"support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport"*.
- 199 Paragraph 32 advises that, *"All developments which generate a significant amount of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*
- *The opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
  - *Safe and suitable access to the site can be achieved for all people; and*
  - *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development."*
- 200 Paragraph 32 goes on to explain that, *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"* (my emphasis).
- 201 Paragraph 35 of the NPPF states that, *"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:*

- Accommodate the efficient delivery of goods and supplies;
  - Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
  - Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
  - Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
  - Consider the needs of people with disabilities by all modes of transport.”
- 202 Paragraphs 36 and 37 refer to the importance of travel plans and for a balance of land uses within areas so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 203 Paragraph 38 states that, *“For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.”*
- 204 Paragraphs 39 and 40 of the NPPF relate to setting local parking standards and the requirement for local authorities to seek to improve the quality of parking in town centres so that it is convenient, safe and secure. The National Planning Practice Guidance acknowledges that transport assessment can be important tools to improve the quality of town centre parking (and where necessary to improve the vitality of town centres, the quantity too).
- 205 The NPPG contains further advice on transport assessments and travel plans noting that they can positively contribute to:
- encouraging sustainable travel;
  - lessening traffic generation and its detrimental impacts;
  - reducing carbon emissions and climate impacts;
  - creating accessible, connected, inclusive communities;
  - improving health outcomes and quality of life;
  - improving road safety; and
  - reducing the need for new development to increase existing road capacity or provide new roads.
- 206 At a local level, 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.

- 207 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 guidance from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 208 Policy SP2 of the Core Strategy sets out our objective to reduce reliance on travel by car in new development, including by supporting improvements to enhance the safety and convenience of public and community transport, seeking improved facilities for pedestrians and cyclists and requiring the inclusion of travel plans and other appropriate measures in new developments that generate significant travel. The Sevenoaks District Transport Strategy is also relevant to development in Swanley and states that there is a need to ensure that development does not have a significant negative impact on the traffic on the Strategic Road Network and brings forward measures to alleviate congestion and tackle air quality issues near to Swanley town centre.
- 209 A large number of objections arising from consultation with local residents cite concerns regarding transport issues and in particular impacts from the development on congestion and parking. The issue of transport and highways impacts is a complex one and extensive discussion and additional information has been provided to address the shortcomings of the withdrawn application.
- 210 The site is located in a highly sustainable location with good access to local amenities, including employment and education facilities. It is also well served by public transport (within about 7 minutes walk from the train station, 200 metres from a bus stop on St Mary's Road and 270 metres from a bus stop on High Street). The proposals do, however, have the potential to generate significant travel impacts and the application is therefore supported by a Transport Assessment (TA) and Framework Travel Plan. The following assessment includes consideration of the transport related impacts of the development, and specifically access and servicing, parking, capacity and traffic generation and proposed mitigation measures.
- *Access and servicing*
- 211 The existing vehicular access to the site is via a one-way system on Nightingale Way which intersects the centre of the site. Nightingale Way is a private road measuring approximately 6m in width and with double yellow

lines along its length. Vehicles enter from the B258 Swanley Lane/B258 High Street/Asda car park roundabout to the east of the site and with the exception of a small number of cars able to exit via the B258 roundabout, the majority exit via the Bartholomew Way/B2173 London Road/St Mary's Road roundabout.

- 212 It is proposed to retain the principal access from the B258 roundabout and to extend the two-way access on Nightingale Way to permit users of the multi-storey car park to exit onto this roundabout and thereby reduce traffic through the site. All elements of the proposed development, including other areas outside of the application site (for example Berkeley Court) would be accessed and retain access through Nightingale Way. The proposals include works to Nightingale Way to narrow the carriageway and redistribute space to pedestrians. It is also proposed to create 2 bus stops opposite the entrance to the multi-storey car park.
- 213 The applicant's Traffic Assessment (TA) is supported by tracking diagrams that show how access for different size vehicles would be accommodated. The Highways Authority is satisfied that adequate space would be available for all vehicles to manoeuvre safely.
- 214 The proposed development has to accommodate existing and proposed servicing requirements for the various town centre uses. This necessitates the retention of vehicular access on Station Walk between Blocks 1 and 2 for cars and service and delivery vehicles. Station Walk would also provide 6 surface level car parking spaces and, on market days, space for 11 Market trader vans. Subject to appropriate conditions relating to servicing and deliveries, including restrictions on deliveries at peak times, this space could function for all uses without unacceptable conflicts between vehicles and pedestrians.
- 215 In summary, access to and servicing within the site would safeguard highways safety. The proposed layout would accommodate the efficient delivery of goods and supplies and would minimise conflicts between traffic, cyclists and pedestrians in accordance with the NPPF and policies EN1, T1 and T2 of the ADMP.

- *Parking*

- 216 In order to establish the parking methodology and necessary level of parking to support the proposed development, an assessment of existing parking capacity has been undertaken. The parking surveys include all car parks in the town centre, including those within the application site, the Asda and Aldi car parks adjacent to the site and the Bevan Place, Park Road and Station Road car parks to the south east. The surveys demonstrate significant under-utilisation of available car parking on a typical weekday (surveys conducted on Friday) and weekend (surveys conducted on

Saturday). The surveys demonstrate that over a three-hour period (1000hrs-1300hrs) on a typical Wednesday the car parks are near capacity.

- 217 The TA uses DCLG guidance to establish an average parking demand based on the size and mix of residential units within each block. This demonstrates that a total parking ratio of between 0.58 and 0.61 spaces per dwelling would be justified with an average across the site of 0.59. The applicant has corroborated this figure with a survey of parking demand at Berkeley Court adjacent to the site which identified a parking demand of between 0.41 and 0.64. The parking demand lies within the parameters of KCC's IGN3 parking standards for town centre locations which identifies that a maximum of 1 space per dwelling is permissible, however notes that 'reduced or even nil provision is encouraged in support of demand management and the most efficient use of land'. The Highways Authority agrees with this methodology.
- 218 On the basis of the above parking demand, a maximum of 201 spaces would be required by the residential element of the development. A similar exercise has been undertaken to establish the parking demand for the retail element of the development based on the proposed uplift in retail floor area for a typical weekday and weekend. This demonstrates a total maximum parking requirement for 224 spaces.
- 219 The proposals include provision for 338 parking spaces the majority of which would be within the multi-storey car park (comprising the lower floors of Block 1). The proposals include provision for 26 disabled parking spaces (including 19 within the multi-storey car park). Concerns raised by some local residents about the safety of the multi-storey car park could be addressed by appropriate security measures including CCTV.
- 220 A comparison of the total parking demand against the parking proposed identifies an on-site deficiency between 1000hrs and 1600hrs on a typical weekday of up to 89 spaces. When taking account of spare capacity in other town centre car parks (including Asda and Aldi), the deficiency in parking spaces is reduced to a maximum of between 3-26 spaces between 1100hrs and 1300hrs. The Saturday period shows a deficiency at 1200hrs when 30 vehicles could not be accommodated within the application site car parks. However, these vehicles could be accommodated within alternative car parks with spare capacity. There would also be a significant parking deficiency on Wednesdays of between 68-85 spaces between 1000hrs and 1300hrs.
- 221 The TA includes a draft Parking Management Strategy which identifies that 180 parking spaces would be allocated for residential parking (calculated on the basis of 0.59 spaces per dwelling) and controlled by limited and unlimited parking permits. A similar system has been successful in Canterbury town centre. Parking for visitors would be controlled by a pay

and display system. The proposals also include appropriate provision for market trader vans on market day.

- 222 The proposed development would make provision for 322 secure cycle spaces in association with the residential use and a further 60 cycle spaces for the proposed retail and community uses. This provision would be in accordance with cycle parking standards and national and local planning policy which seeks to encourage sustainable modes of transport including cycling.
- 223 In light of the scale of the development, consideration has been given to parking demand and capacity throughout the construction period. During Phase 1A of the development, the existing capacity of 331 spaces would be reduced to 192 spaces and this is for a period of between 24 to 30 months. The impact of this shortfall would be appropriately mitigated through the provision of the market day bus service. This would commence upon ceasing the use of the existing car park to facilitate the implementation of Phase 1A. The applicant has made further commitments, including in relation to construction related parking and these will be addressed through a Construction and Environment Management Plan to be secured by condition (see condition .
- 224 The Highways Authority concur with the conclusions of the TA that when taking into account spare parking capacity in the surrounding area, and proposed mitigation measures (considered below), the proposals will not result in severe parking impacts. In summary, the proposals would make adequate provision for on-site car parking and cycle parking in accordance with the requirements of the NPPF and policies EN1, T1 and T2 of the ADMP.
- *Capacity and traffic distribution*
- 225 In order to assess the potential impact of the development on the local highway network, particularly in terms of additional trip generation, the TA includes an assessment of existing and proposed trip numbers. The assessment concludes that the total development has the potential to generate 190 trips on a Saturday and less on Wednesdays (150) and weekdays (104 AM peak and 152 PM peak).
- 226 The TA also considers likely trip distribution from the site and includes capacity assessments at the following junctions. Although the quantum of residential units has been reduced from 343 in the withdrawn application to 303 in the current application, the modelling remains based on the higher number of units to represent a 'worst-case' assessment of the proposals.
- B258/B2173/London Road/St Mary's roundabout and B258 High Street/Goldsel Road/B2173 London Road roundabout.

- 227 These junctions have been modelled using 2026 predicted flows (representing a 10 year growth factor) and include committed development traffic and the traffic generated by the proposed development. The modelling indicates that these roundabout junctions would both operate ‘within capacity’ for all scenarios in 2026.
- 228 A link capacity assessment in the form of a video survey was undertaken in response to concerns about queuing and delays on the B258 High Street. The assessment demonstrates there is sufficient capacity to accommodate the development traffic. The video surveys indicate that traffic moves forward slowly in groups and delays are caused mainly by side road friction and not by delays from the roundabout junctions.
- B258 Swanley Lane/Bartholomew Way roundabout
- 229 The modelling shows that this roundabout junction would operate within capacity in 2026 at all times other than the AM peak where slight capacity issues were identified. In the AM peak the proposed development would add 3 vehicles to a 10 vehicle queue on the Swanley Lane approach. This would equate to an estimated increase in junction delay of 4.72 seconds.
- B258 Nightingale Way/Asda access roundabout
- 230 The capacity assessment indicates that the High Street would experience slight capacity issues in 2026, however the effects of the development could be mitigated by upgrading the existing pelican crossing on the High Street to a puffin crossing. This could be secured via a planning obligation.
- 231 It is considered that the local network issues in Swanley are largely a result of drivers by-passing the congestion on the M25 approach to the Dartford Crossing. This generates higher demand on parallel routes, including those through Swanley and is recognised as a wider strategic issue that cannot be resolved by the applicant in this case. The traffic modelling has shown that the proposed development would result in minimal alteration to overall junction capacity and would not result in severe transport impacts referred to in paragraph 32 of the NPPF. The Highways Authority agree with these conclusions.
- *Mitigation measures*
- 232 National Planning Practice Guidance states that Transport Assessments may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts. Notwithstanding the conclusion in the TA that there are no “severe” impacts, the proposals include the following

measures aimed at mitigating the impacts of the development, including reducing local congestion and travel by car:

- Provision of interactive digital parking space signs and directional signing of the car park
- 233 The provision of three interactive digital parking signs has been proposed to address the occasional shortfall in parking provision and the impacts associated with 'space hunting' on the capacity of the local highway network. The signs would be provided on Swanley Lane, B2173 London Road and B2173 High Street. The signs would, as part of the proposals, only show the number of free spaces within the multi-storey car park (this being the only location where entry and exit equipment can cost effectively be installed to monitor vehicles). However, there would be space on the signs to include information about the Asda/Aldi car parks should they choose to add interactive software in the future. The interactive signs and directional signing (to be required prior to first use of the multi-storey car park) is supported by the Highways Authority.
- Provision of new bus stop
- 234 The proposed bus stop (with capacity for 2 buses) would be located on Nightingale Way opposite the entrance to the multi-storey car park. The existing bus stops are located outside of the town centre in Bartholomew Way; they are poorly located in terms of accessibility to the existing shopping centre and remote from the development site. The location of the existing bus stops does not encourage their use. In this respect, the provision of a new bus stop within the application site has the potential to significantly enhance the accessibility of the town centre by public transport.
- 235 The bus stop would be utilised by the market day bus service and, whilst existing bus operators have not currently committed to the rerouting of their services, the proposals would facilitate this in the future. The proposed bus stop facility is supported by the Highways Authority.
- Upgrade of pedestrian crossing on High Street
- 236 It has been identified that the proposal to upgrade the existing pelican crossing to a puffin crossing would address some of the issues relating to traffic movement and capacity on the approach to the B258 Nightingale Way/Asda access roundabout. Subject to implementation prior to first occupation of any part of the development this measure is supported by the Highways Authority.
- Provision of a car club for future residents

- 237 Car clubs are acknowledged to be a viable alternative to private car ownership, particularly in accessible urban locations such as this. The applicant is offering 3 cars and membership for the first three years of occupancy for residents without a parking permit. The Highways Authority considers the provision of a car club in this location would provide a useful incentive to reduce car ownership. This would provide an appropriate incentive to change travel habits in favour of more sustainable modes of transport and could be secured through a planning obligation.
- Provision of a market day bus service
- 238 In response to the shortfall in parking capacity on market days the applicant is proposing to operate a market day bus service operating on a loop of the town. This would comprise 11 half hourly services operating between 0915hrs and 1415hrs on Wednesdays. Based on a bus with 50 passenger capacity, the service would have a total capacity for 550 passengers each way thereby serving the potential demand generated by 90 vehicles unable to park in the town centre during this time. The bus service would commence operation upon implementation of the development and be funded by the applicant for a period of 3 years post first occupation of Phase 1A. The Highways Authority is supportive of this measure.
- Financial contribution towards on-street parking controls
- 239 In recognition that the proposals have the potential to create some parking displacement from the town centre, the package of mitigation measures includes £5,000 towards any necessary consultation and implementation of parking restrictions on roads within 800m of the application site.
- Financial contribution towards sustainable transport measures
- 240 Policy H2c of the ADMP refers to the requirement for the provision of a cycle/pedestrian link between the site and train station. The proposals include a financial contribution of £250,000 towards the provision of a direct walking and cycling route between the site and train station, or where this is not feasible (for example because of multiple land ownership issues) towards an improvement for existing links between the town centre and train station or other sustainable transport measures. The Highways Authority support the proposed contribution.
- Electric vehicle charging infrastructure
- 241 Policy T3 of the ADMP relates to electric vehicle infrastructure. Whilst none are currently proposed as part of the development, the Phase 1A building design provides for the future upgrading to electric vehicle charging, should it be necessary. The absence of a commitment to provide such infrastructure would not promote sustainable modes of travel. However, on

the basis that provision could be secured by appropriate condition, I consider it capable of satisfying policy T3.

- 242 The Planning Statement refers to other transport initiatives and improvements that aim to reduce local congestion and travel by car, including modifications to Nightingale Way to allow for enhanced two-way use, improved desire lines for pedestrians, implementation of a parking management strategy for residential parking and continuation of pay and display arrangement for the public car park.
- 243 The application is also supported by a Framework Travel Plan which will be used to inform the preparation of a full travel plan upon occupation of the site. The objectives of the travel plan are to promote and encourage walking and cycling as a means of transport, promote and encourage the use of public transport and lift sharing and to make alternative travel information available to staff and visitors. The provision of a parking management plan, to include management of the Market day van parking would be necessary.
- 244 These initiatives would be of some benefit in mitigating highways impacts and in conjunction with the broader measures previously outlined, would adequately mitigate the less than severe impacts of the development on the local highway network.
- 245 Assessing the development proposals against the provisions of paragraph 32 of the NPPF, I concur with the Highways Authority that subject to securing the proposed mitigation measures, the residual transport impacts of the proposed development would not be 'severe' and would not be harmful to highway safety.

#### **Whether the proposals would provide acceptable living conditions for future occupiers**

- 246 Policy EN2 of the ADMP states that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development.
- 247 The proposed development would provide studio, one, two and three-bedroom units. A number of these would be dual aspect. Whilst a number of habitable rooms would have levels of daylight and sunlight below the recommended threshold, these would, in the main, affect the private rented sector units that benefit from shared facilities for residents, including a lounge, seating and meeting area and external amenity space which would all be well lit by sunlight and daylight. The development would otherwise provide for acceptable levels of outlook and privacy.
- 248 Although we do not prescribe internal space standards in our planning policy, an indicative furniture layout has been provided for each residential

unit which shows how the internal space could be configured and satisfactorily used for usual day to day activities. Officers are satisfied that the development can accommodate necessary refuse and recycling storage within dedicated storage areas.

- 249 The buildings would be fully accessible (Block 1 would include 4 lifts) and 14 units would be capable of being fully wheelchair accessible for future occupiers. All residential units in Blocks 1 and 2 would be Lifetime Homes compliant in compliance with policy SP5 of the Core Strategy which seeks the provision of an increased proportion of housing designed to the Lifetime Homes standard.
- 250 Similarly, we do not have minimum standards relating to communal or private amenity space. However, in this instance many of the units would have access to a small private balcony or several high quality communal amenity spaces that would be suitable for a variety of activities. I am also mindful that this is a town centre site where there is easy and direct access to a large recreation ground adjacent. On this basis, I am satisfied that satisfactory living conditions for future occupiers would be provided. Noise and air quality impacts are considered later in the report.

**Whether the proposals would safeguard residential amenity:**

- 251 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.
- 252 The proposed development has the potential to impact on residential amenity both directly from the introduction of built form and indirectly from the proposed uses and activity. The introduction of built form, particularly where none currently exists, has the potential to impact on daylight and sunlight, privacy and visual intrusion.
- *Daylight and sunlight*
- 253 The application is supported by a comprehensive daylight and sunlight report which analyses the potential impact of the proposed development on the daylight and sunlight received to buildings surrounding the application site. The assessment identifies that residential units, and where relevant their external amenity spaces, located in the Swanley Centre, High Street, Station Road and Little Heath Apartments on St Marys Road would not

experience any loss of daylight or sunlight below the thresholds set out in the Building Research Establishment (BRE) “Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice” (2011). The BRE document contains guidance on site layout and is in part intended for use in the context of safeguarding daylight and sunlight within existing buildings.

- 254 The report identifies that some of the residential units within Nightingale House on London Road and Berkeley Court on Nightingale Way would experience a loss of daylight and sunlight below the relevant thresholds. In order to quantify the potential harm, it is necessary to understand the number of residential units affected and the extent of potential daylight and sunlight loss.
- 255 In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a geometrical calculation of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the British Research Establishment (BRE) advise that the window will have the potential to provide good levels of daylight.
- 256 The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, the NSL calculates the change in the no sky line (the line that divides the points on the working plane [0.85 metres above floor level] which can and cannot see the sky) between the existing and the proposed situations. If the area of an existing room which does not receive direct sunlight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants and more of the room will be poorly lit. Areas without direct daylight will appear dark and gloomy compared with the rest of the room. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.
- 257 Notwithstanding the fact that the BRE guide does not recommend the use of the Average Daylight Factor (ADF) methodology to assess loss of daylight to existing buildings, the applicants have included this assessment.

#### **Nightingale House:**

- 258 Nightingale House is a three-storey purpose-built building located on the north side of the application site. The ground floor comprises a retail unit and undercroft car parking and the upper two floors are in residential use. The rear elevation includes 12 south-facing habitable room windows serving 6 residential units in the form of single aspect one-bedroom flats on the first and second floors. Each flat benefits from a bedroom and combined living/kitchen/dining (LKD) room window which, as existing, provide an unobstructed view over the open car park. In this context the erection of Block 1 on the car park would have an inevitable impact on these properties.

- 259 Although all windows would retain adequate sunlight in accordance with the BRE guidance, 4 of the 12 habitable room windows would fail the VSC test. These 4 windows serve the bedroom and combined LKD room windows of the two flats closest to the proposed development. The windows would experience losses of VSC of between 33-43% (in the context of the 20% threshold). They would retain VSC of 22.27-26.38%. These windows would also fail to meet the relevant thresholds relating to distribution of daylight. The combined LKD windows closest to the development would experience losses of 22-61% such that between 38.3-77.09% of the floor areas of these rooms would receive direct daylight (against the 80% recommended minimum).
- 260 The revisions to the form and massing of Block 1 adjacent to Nightingale House, including the reduction in height and incorporation of a greater set back have had the effect of reducing the impacts on Nightingale House from the previously withdrawn application. The withdrawn application resulted in greater losses of daylight (up to 50% loss of VSC) and affected 6 windows in 4 flats.
- 261 The daylight impacts resulting from the development would result in some harm to the living conditions of some residents in Nightingale House. This is in some part a consequence of the uncharacteristically high daylighting conditions achieved in the existing conditions and the comparatively small window openings relative to the depth of the rooms. Taking all of the above into account, I do not consider that the development would result in unacceptable harm to the amenity of the affected flats in Nightingale House sufficient to refuse the application on those grounds.
- 262 also include incorporation of a greater set back from the boundary. The majority of views from within Nightingale House would be towards the lowest element and towards Nightingale Way and the railway embankment beyond. The lower elevations of the building facing Nightingale House would incorporate planting. For these reasons, I do not consider that Block 1 would be visually intrusive or result in unacceptable harm to the outlook of existing and future occupiers.

#### **Berkeley Court:**

- 263 Berkeley Court is a 3-storey purpose-built building located on the south side of the application site. It comprises 37 residential units in the form of one-bedroom flats at ground, first and second floor level. The north elevation of the building features four full height projections facing Nightingale Way and the south elevation faces the recreation ground.
- 264 There are two flat layouts within the building. One layout is contained within the rear part of the building and, with the exception of the kitchen windows which are located within the recesses facing the application site,

all their habitable rooms are arranged facing the recreation ground. The other flats are arranged within the 3-storey projections fronting Nightingale Way. They feature bedroom windows in the flank elevations (facing south-east towards Block 3) and living room and kitchen windows in the front elevation (facing north-east towards Blocks 2, 6 and 7).

- 265 In terms of daylight, 36 of the 60 habitable room windows in the building would fail to meet BRE guidelines in relation to VSC. These include 20 kitchens (8 serving flats with other habitable rooms facing the recreation ground), 11 living rooms and 5 bedrooms. A number of these windows are either located within recesses or on flank elevations. Five flats would experience VSC losses beyond the BRE guidelines to all three habitable rooms. The degree of loss would be greatest at ground floor (up to 87% in the case of a ground floor bedroom window with a retained VSC of 4.71) and least at second floor (up to 35% in the case of a bedroom with retained VSC of 14.97). In all five flats, the bedrooms would be most affected with living rooms and kitchens in four flats retaining VSC in excess of 20%.
- 266 47 of the 60 habitable room windows would comply with BRE recommendations in terms of daylight distribution. Of the 13 rooms (affecting 7 flats) that would experience losses to the areas of the rooms that would receive direct daylight, 10 of the rooms that would experience transgressions would retain between 0.63 and 0.77 times their existing value, compared to the 0.8 times recommendation. In considering the harm to amenity it is relevant that the loss of daylight would be most noticeable to the rear of affected rooms. The front of the rooms would continue to have direct sky visibility and benefit from sufficient natural light for their intended use.
- 267 9 of the 12 habitable room windows requiring assessment for sunlight would comply with the BRE guidance. The 3 windows that would fail to meet the recommended thresholds serve bedrooms on the flank elevations of Berkeley Court and would in all cases retain some sunlight.
- 268 The proposals would result in some losses of daylight and sunlight in excess of the BRE recommendations and these losses would be noticeable to the amenities of some residents of Berkeley Court. In weighing the planning harm, it is relevant that the BRE document comprises guidelines, and, as is the case of the majority of planning related guidelines is not mandatory. The numerical guidelines within the BRE document are only advisory and should, where it is considered appropriate, be afforded some flexibility. In my view a degree of flexibility is required to account for the specific layout of Berkeley Court, the low density nature of surrounding development and its town centre location.
- 269 In my view, the applicant has considered the impact of the proposals on surrounding buildings and responded to the over-riding principle in the BRE

guidelines that “*in designing a new development, it is important to safeguard the light to nearby buildings*” and “*as a general rule the aim should be to minimise the impact to existing property*”.

270 With the exception of Block 3, which would be located directly adjacent to the flank elevation of Berkeley Court, the bulk of the development would be located on the opposite side of Nightingale Way. Blocks 6 and 7 directly opposite the flats would be lower in height than other blocks and incorporate set backs and gaps between. In my view, the proposed building design combined with the enhancements to Nightingale Way, including substantial tree planting, would satisfactorily mitigate any adverse impacts on existing and future occupiers of Berkeley Court in terms of outlook and visual intrusion.

271 Taking all the above into account, the number of flats affected and the degree of overall harm would be limited. I am satisfied that existing and future occupiers of Berkeley Court would continue to benefit from acceptable living conditions in accordance with policy EN2.

– *Noise and disturbance*

272 The potential impact of introducing additional retail and commercial uses and associated activity on the amenities of existing and future residents also falls to be considered. Although there are residential properties immediately surrounding the site, those directly adjacent to the development are relatively few in number and exist within a context of existing unrestricted town centre activity where the retention and expansion of a variety of uses are encouraged by planning policy.

273 Given that this application relates to development on an existing town centre site where activity is commonplace, I consider that any increase in movements of people and vehicles will not be of material significance in relation to noise and disturbance. It is proposed to utilise existing service areas. Appropriate conditions relating to proposed plant or machinery, restrictions on hours of operation of retail units, the communal terraces to Block 1 and for servicing and deliveries are recommended (see conditions 24, 38, 39 and 51).

274 It is noted that fume extraction would be required for the retail units if they are to be occupied by a food and drink use. Whilst it is considered that a suitable scheme could be integrated into the development, it is recommended that further details be sought by condition. In summary, I am satisfied that the development would not have an unacceptable impact on the amenities of existing and future residents in accordance with policy EN2 of the ADMP.

– *Overlooking and loss of privacy*

- 275 The proposed development would have some potential to provide overlooking into existing habitable rooms. Whilst the development would facilitate some views into the rear of Nightingale House, these would be from a limited number of higher level windows and at a minimum distance of 18 metres. The potential for overlooking would be limited by the respective orientations of buildings and acute angle between habitable room windows. To prevent direct overlooking or loss of privacy from the sixth floor communal terrace or higher podium level terrace, it is recommended that details of appropriate screening to the side boundary be secured by condition (see condition 21).
- 276 In the case of Berkeley Court, any views into habitable room windows would be from blocks located opposite and separated by Nightingale Way which is envisaged as an active thoroughfare with extensive planting. In this context, I am satisfied that the proposals would be acceptable in this regard.

#### **Whether the proposals are acceptable in terms of flood risk, surface water drainage and utilities**

- 277 Section 10 of the NPPF relates to meeting the challenge of climate change and flooding. Paragraph 100 of the NPPF advises that, *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”* Policy EN1 of the ADMP and SP2 of the CS are also relevant and requires the incorporation of sustainable drainage systems (SUDS) where practical together with arrangements to secure their long term maintenance.
- 278 The application is supported by a Flood Risk Assessment which confirms that the entire site lies within Flood Zone 1 which has a low probability of flooding (less than 1 in 1000 annual probability of river flooding in any year). There are no known watercourses or rivers in the vicinity of the site. In addition, by reason of the proposals comprising retail and commercial uses at ground floor the development is considered to be ‘Less Vulnerable’. An assessment of other potential sources of flood risk has been carried out by the applicant and includes drains and sewers, groundwater, surface water, and reservoirs. This assessment concludes that there is a low risk of flooding to the site from these sources. All proposed residential units would be located at first floor or above and none of the proposed development would be at risk of flooding. The development is therefore acceptable in this regard.
- 279 The application is also supported by a Surface Water Management Plan which demonstrates that the post development surface runoff rates would not exceed the pre development runoff rates, and subsequently do not increase the risk of surface water flooding in or within the vicinity of the site. The proposals include a number of sustainable drainage features, including soakaway tanks and appropriate attenuation, including in the form of green

roofs. The sustainable drainage system would be consistent with the preferred strategy in the NPPG which seeks to control surface water run off close to where it falls and mimic natural drainage as closely as possible. Infiltration of surface water into the ground would also be at the top of the hierarchy of drainage options as set out in paragraph 80 of the NPPG. The Local Lead Flood Authority is satisfied that, subject to appropriate conditions, the proposals are acceptable (see conditions 9, 10 and 11).

- 280 The application is accompanied by a Utilities Statement which confirms that the application site benefits from access to all basic services (electricity, telecommunications, gas and water). Although the development would result in a significant increase in demand for these utilities, the statement infers that, subject to additional liaison with the relevant providers with regards to new service routes the development is capable of being adequately serviced (see condition 18).
- 281 It is noted that Thames Water query the ability of the existing waste and water infrastructure to accommodate the development. However, as recommended by Thames Water, this could be adequately addressed by an appropriate condition (see conditions 12 and 13). No objections have been received to the proposals from any utility providers.
- 282 In summary, I am satisfied that the proposals are well considered and would have no unacceptable impact on flooding, surface water drainage or utilities in accordance with relevant policies.

#### **Whether the proposals are acceptable in terms of contamination, noise and air quality**

- 283 Paragraph 109 of the NPPF states that, *“The planning system should contribute to and enhance the natural and local environment by (inter alia) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 284 The site is located within an Air Quality Management Area and by reason of its proximity to the M25 and railway line, has the potential to be subject to high levels of noise and air pollution. Policy EN7 of the ADMP states that proposals for development should not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. The Planning Practice Guidance also states that air quality and noise needs to be considered when new developments would be located where air quality is known to be poor and where sensitive to the prevailing acoustic environment.
- 285 The application is accompanied by a noise assessment which identifies that the site is subject to varying levels of rail and road noise and vibration; however, that subject to appropriate mitigation, including acoustic glazing, the internal living environments are capable of meeting relevant standards. The

level of mitigation necessary is likely to be higher where habitable rooms are located in close proximity to service yards (for example the north elevation of block 2). With regard to external amenity areas the assessment identifies that amenity spaces fronting or with line of sight to the railway line will be exposed to noise in excess of relevant WHO thresholds. The areas most affected would include the small balconies to Block 1.

- 286 It is recommended that further details of mitigation could be secured by condition. As recommended by the Environmental Health Officer, appropriate conditions relating to the installation of plant, equipment, kitchen extracts, hours of operation of service yards and commercial activities would be imposed (see conditions).
- 287 The application is supported by an air quality report and by reason of its scale and resultant increase in traffic flows on the local road network has the potential to increase pollution, both during the construction phase and upon completion. Whilst mitigation measures are required in respect of dust impacts during construction (see condition 16), the report concludes the overall effect of the scheme to be 'not significant' and that no mitigation is required to reduce exposure of future occupiers of the development to air pollution. Whilst these findings are accepted, it is noted that they do not take account of the proposed gas powered CHP plant to be incorporated in the development and it is therefore recommended that details of the flue be required by condition to ensure that the proposed location and height of the flue will not result in unacceptable air quality impacts (see condition 14).
- 288 The application is also supported by a Contaminated Land Assessment (Phase 1 Desk Study) which recommends a phased intrusive investigation with a strategy of remediation be undertaken. This and a validation report could also be secured by condition in accordance with the advice of the Environmental Health Officer (see conditions 6, 7 and 8).
- 289 In summary, the proposed development is considered to be acceptable in terms of air, noise and contaminated land impacts in accordance with relevant national and local policy.

#### **Whether the proposals are acceptable in terms of energy and sustainable construction**

- 290 The NPPF refers to the presumption in favour of sustainable development as the golden thread running through both plan making and decision taking. Paragraph 93 advises that, "*Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions [...] and supporting the delivery of renewable and low carbon energy and associated infrastructure.*" Local authorities are encouraged to plan for development in locations and ways which reduce greenhouse gas emissions and, when setting any local requirement for a building's sustainability, to do so in a way that is

consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

- 291 Policy SP2 of the Core Strategy states the minimum Code for Sustainable Home (CSH) standard a new dwelling should achieve. At present the code standard requires a code 3 standard. It also states that the achievement of the Code levels and BREEAM standards must include at least a 10% reduction in total carbon emissions through on site installations and implementation of decentralisation.
- 292 Section 43 of the Deregulation Act 2015 has removed the ability of local planning authorities to impose energy efficiency standards on dwellings - new or adaptations - insofar as they go beyond what is required under Building Regulations. For this reason it would not be reasonable to secure requirements relating to energy or sustainable construction beyond those required by Building Regulations. The development would be required to comply with the relevant Building Regulations when it is built out.
- 293 Notwithstanding the above, the planning application is accompanied by a Energy and Sustainability Report which demonstrates the proposals would exceed the minimum requirements set by building regulations. The report proposes a number of sustainability measures that would achieve a cumulative reduction in CO2 emissions of 19.4% below the baseline target emission rate across the development. Through the incorporation of enhanced building fabric and design to reduce energy demand, provision of efficient services and installation of a gas powered combined heat and power (CHP) plant the residential component of the development would achieve a 28.4% reduction in CO2 emissions, equivalent to level 4 of the former Code for Sustainable Homes. A BREEAM pre-assessment has been undertaken for the 'shell only' retail and community components. This demonstrates that a 'Very Good' rating is achievable.
- 294 It has been adequately demonstrated that the proposed development is capable of complying with relevant policies in respect of sustainable design and that subject to appropriate conditions the sustainability credentials of the development are capable of being secured (see conditions 14 and 41).

#### **Whether the proposals are acceptable in terms of impact on trees, ecology and biodiversity**

- 295 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. The application is supported by an Arboricultural Survey and Arboricultural Impact Assessment.
- 296 Policy H2c acknowledges there are Tree Preservation Orders on the site which should be protected and form an integral part of the scheme. Policy SP11 of  
(Item 4.1) 87

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. Surrounding the site's red-line boundary are railway land, recreation ground and existing residential and retail developments.

- 297 The development would necessitate the removal of a total of 20 trees, 4 of which are in poor condition and would require removal irrespective of the development proposals. A further 10 trees are identified of low amenity value. The remaining 6 trees are category A and B and offer high to moderate amenity value. One of these is a horse chestnut located on the southern boundary and protected by a preservation order.
- 298 There would be limited tree loss in the context of the overall development and subject to submission of necessary pruning works and measures for protection of retained trees (including the belt of protected trees adjacent to the recreation ground), the Tree Officer is satisfied with the proposals (see condition 34). There is significant scope for future tree planting and in this respect the proposals are considered to be acceptable and in accordance with relevant policy.
- 299 With regard to ecology and biodiversity the County Council Ecologist has assessed the proposal and raises no objections, considering the application site to have little or no ecological value. The site is located in an urban area and comprises a mix of hardstanding and buildings. I therefore consider that the proposal would not result in any harm to protected species and, subject to appropriate conditions (see conditions 35 and 36) the proposed development will provide a net gain in biodiversity and ecological value in accordance with section 11 of the NPPF and policy SP11 of the Core Strategy. In reaching this conclusion, I have also given careful consideration to the Standing Advice put forward by English Nature and the Natural Environment and Rural Communities (NERC) Act 2006.

#### **Whether the proposals are acceptable in terms of infrastructure provision**

- 300 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 and retail 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).

301 This development is CIL liable and a CIL contribution of approximately £1.8million would be generated from the development which would be eligible to be used on schemes as listed above. The CIL payment could 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.

302 The applicant will be required to enter into a S106 agreement to secure the heads of terms set out in recommendation A. 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.

303 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) would be secured by condition (see condition 18).

#### **Whether the proposals are acceptable in terms of phasing and delivery**

304 The proposals are significant in scale and have been submitted in the form of a hybrid application. This in part provides flexibility for changes to the design of the later phases in response to any material changes in circumstances beyond the application site. The principle of a phased implementation of the proposals is therefore accepted. It is, however, necessary to consider which parts of the development are intended to come forward as part of which phase to ensure that the Council’s priorities, as embedded in its development plan policies are capable of being secured and delivered.

305 It is proposed to deliver the development in 5 phases with a total build programme at just over 6 years. The construction of Blocks 1 and 2, including the multi-storey car park is required to be delivered in Phase 1A to ‘unlock’ the site by providing for the necessary car parking. Phase 1A includes the hard and soft landscaping works to Station Walk which has been

identified as a key part of the public realm. This is welcomed. However, as it is not possible to require the development to be implemented in its entirety, it is necessary to consider the worst-case scenario and the acceptability of the development being only partially implemented.

- 306 In this respect, Blocks 1 and 2 comprise the bulk of the residential development (which, according to the applicant, is necessary to generate the requisite critical mass of people) and a small element of retail/commercial floor space. It does not include any community use. On their own, Blocks 1 and 2 do not constitute the mixed-use development sought by policy L05 or H2c. Furthermore, Phase 1A includes only limited public realm works, including Station Walk and temporary public realm works to a small section of Nightingale Way. Phase 1A would not on its own be sufficient to bring about the sought after regeneration of the town centre. For this reason, it is necessary to secure the timely delivery of other public realm improvements, including Swanley Square in the event that the development does not proceed beyond Phase 1A in a timely manner.
- 307 Swanley Square comprises a key part of the existing shopping centre and the proposed landscaping enhancements have been identified as important to the regeneration of the wider town centre. The submission and approval of reserved matters for the Swanley Square public realm works and their completion (as Phase 1B) prior to occupation of 100 units within Block 1 would be secured through the planning obligation.
- 308 It is also proposed to secure temporary public realm enhancements adjacent to Block 4 in Phase 2 in acknowledgement that the logistics of the site are such that construction vehicles will need access via Nightingale Way throughout the construction of the development. For this reason the final public realm enhancement works (to include Market Lane and the entirety of Nightingale Way) are proposed to be delivered last (Phase 5). In the event that the development fails to proceed to Phase 5 the completed Nightingale Way enhancements are at risk of not being delivered. The Nightingale Way improvements have been identified as a key part of the public realm enhancements and for this reason the works would be secured via a bond/insurance policy to enable the Council to deliver the works in the event the developer does not. This would be secured via the planning obligation.

### **Conclusion and overall planning balance**

- 309 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 310 Paragraph 14 states that in terms of the decision-taking process this means approving development proposals that accord with the development plan

without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

- 311 As we cannot demonstrate a five year housing land supply in the context of the NPPF the 'tilted balance' in paragraph 14 is engaged. This means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole. There are no specific policies to indicate development should be restricted in this location. This 'tilted balance' is a material consideration.
- 312 In assessing the benefits, the proposals would provide an appropriate mix of market and private rented housing that would help to redress the existing imbalance in the local housing market. The provision of new homes would also make an important contribution to the District's wider housing supply. Although it has been demonstrated that the development cannot provide affordable housing at this time, it would, subject to an appropriate planning obligation, be subject to a viability review at an appropriate point in time. The development would also make a proportion of the private rented dwellings available to people with a local connection on first occupation. This and the replacement of existing medical facilities would contribute to the social element of sustainable development and attracts significant weight.
- 313 The development would also increase footfall and directly and indirectly boost the local economy through introducing new residents into the town centre thereby acting as a catalyst for further regeneration. In terms of retail and commercial floor space, I have concluded that the quantum of development, and in particular uplift in retail floor space would improve the profile of retailing in Swanley town centre, including by broadening its appeal to a catchment currently limited to food shopping at Asda and by retaining a greater share of expenditure currently lost to surrounding centres. These elements of the proposals would be consistent with the economic role of sustainable development and attracts significant weight.
- 314 The development would also provide for improvements to the physical environment of the town centre through various public realm enhancements, including through incorporation of hard and soft landscaping. I am satisfied that these are, in the main, well considered and will encourage an improved sense of place, vitality and connectivity within the town centre. These elements would contribute to the environmental

role of sustainable development and also attract significant weight. All of these factors weigh heavily in favour of granting planning permission; however, they have to be considered against the potential harm arising from the development.

- 315 In this respect, I have identified several areas of limited harm. The development would result in some townscape harm, particularly in relation to its height, scale and massing, albeit this harm would be relatively isolated. The development would also result in some daylight impacts which would cause harm to residential amenity. I afford these matters less than substantial weight. I have established that other key issues, including relating to highways and parking impacts are acceptable. Car parking levels for the development reflect the highly accessible location and the development is supported by appropriate mitigation and a package of sustainable transport measures.
- 316 In assessing the planning balance, I am mindful that the development is of a scale that has the potential to bring transformational change to Swanley town centre and could act as a catalyst for the regeneration of a poor quality shopping centre into a vibrant town centre which has been a long term aspiration of the Development Plan and Council. This would result in significant benefits to the local economy both through the construction phase in the short term and through the retention and increase in local expenditure that would directly benefit existing and future businesses in the longer term.
- 317 When assessed against the policies in the Framework taken as a whole, I consider that the development would simultaneously achieve the social, economic and environmental dimensions necessary to be considered as sustainable development as defined and sought by the NPPF. The adverse impacts identified above would be limited and would not significantly and demonstrably outweigh the benefits of these proposals which benefit from the 'tilted balance' of paragraph 14 of the NPPF. Taking all of these factors into account I conclude that planning permission should be granted.

Contact Officer: Matthew Durling Extension: 7448

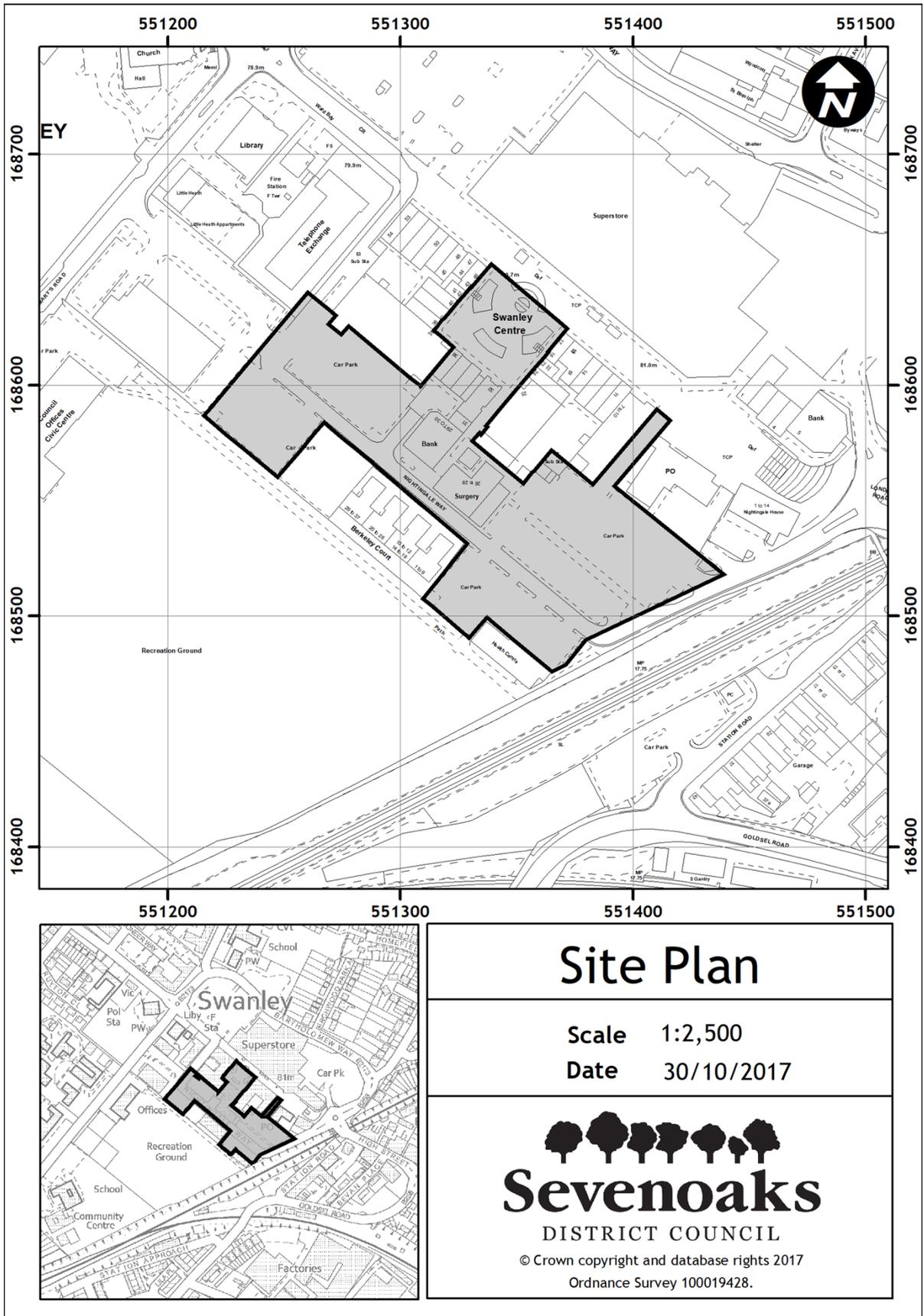
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTA6T4BK0L200>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTA6T4BK0L200>



# Site Plan

Scale 1:2,500

Date 30/10/2017



DISTRICT COUNCIL

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Ordnance Survey 100019428.

# Block Plan

 Detailed Application Boundary  
Area: 0.564 ha

 Outline Application Elements  
Area: 0.9 ha

 Total Application Boundary  
Area: 1.464 ha

