

4.2 - 17/02569/FUL

Revised expiry date 23 February 2018

Proposal: Redevelopment of the existing car park site at Horizon House to provide two separate residential blocks comprising of 31 units (14 x 1 beds and 17x 2 beds), including associated car parking, cycle and refuse storage and landscaping.

Location: Car Park Site Adjacent To Horizon House , Azalea Drive, Swanley BR8 8HY

Ward(s): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Searles to consider the impact of the development on highways and parking and the amenities of the surroundings.

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

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4112 PD 30/A; 31/C; 32/A; 33/A; 34/B; 35/B; 36/B; 37/A; 38/B; 39; 40/B; 42/A.

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

3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Allocations and Development Management Plan.

4) No development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall demonstrate that surface water run-off generated by this development can be accommodated and preferentially disposed of through infiltration features located within the curtilage of the site, with no increase in the rate of off-site runoff during any rainfall event. Should infiltration prove unviable, the rate of runoff leaving the site post-development shall be restricted to 50% of peak from the existing site, with the combined rate of foul and surface water runoff for any rainfall event agreed in

advance with Thames Water, Environment Agency and local planning authority (for all storms up to, and including, the climate change adjusted 100 year critical storm). The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. No development shall take place other than in accordance with the approved details.

To ensure satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

5) 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. Details shall include:

- i) a timetable for its implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

6) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the local planning authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

7) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

8) No development shall be carried out on the land until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority. The strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - i. all previous uses;

- ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors; and
 - iv. potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

- 9) Prior to the first occupation of the development a verification report demonstrating the 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 to demonstrate that the site remediation criteria have been met.

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

- 11) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

12) No development shall be carried out on the land until a detailed and comprehensive scheme of acoustic protection, to include details of acoustic ventilation and glazing for all residential units has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details.

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

13) No development shall be carried out on the land until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following details:

a) soft plantings, including at least 14 trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible), density and size;

b) enclosures: including types, dimensions and treatments of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;

c) hard landscaping: including permeable ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces;

d) any other landscaping feature(s) forming part of the scheme; and

e) a landscape management plan detailing how each of the landscaping areas will be maintained.

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

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Allocations and Development Management Plan.

14) No development shall take place on the land until details of the green roofs and walls as shown on the hereby approved drawings 4112 PD 39 and 4112 PD 33/A shall have been submitted to and approved in writing by the local planning authority. The details shall include cross sections, planting details and a maintenance and irrigation programme. The sedum 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.

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 Allocations and Development Management Plan.

15) The development shall be carried out in accordance with the hereby approved Arboricultural Implications Assessment (ref. J51.44). The trees shown to be retained shall be protected in accordance with the Tree Protection Plan (J51.44/03) and measures set out in British Standard 5837:2012 (or later revision). No equipment, machinery or materials shall be brought onto the 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.

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.

16) No development shall take place on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site shall be submitted to and approved in writing by the local planning authority. The details shall include a timetable for implementation. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and G11 of the Allocations and Development Management Plan.

17) During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to: Monday to Friday 08:00 18:00 Saturday 08:00 13:00 No work on Sundays or Public Holidays.

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

18) All windows annotated 'OB' on the hereby approved drawings 4112 PD 37/A and 4112 PD 33/A and the six windows at first, second and third floor levels on the east elevation of Block A (as shown on drawing 4112 PD 32/A) and 2 windows at first and second floor levels on the east elevation of Block B (as shown on drawing 4112 PD 38/B) shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

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

19) No development shall take place on the land until details of a privacy screen for the east side of the fourth floor level communal roof garden of Block A (as shown on drawing 4112 PD 30/A) and the east side of the third floor terrace of Block B (as shown on drawing 4112 PD 36/B) has been submitted to and approved in writing by the local planning authority. The privacy screens shall be installed in

accordance with the details so approved prior to the first occupation of the development and shall be retained and maintained as such thereafter.

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

20) No development shall be carried out on the land until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include:

- a. Details of locations of vehicle parking for site operatives and visitors
- b. Details of proposed wheel washing facilities located adjacent to the construction site access
- c. Details of an area for the storage of plant and materials
- d. A site waste management plan. How the construction will comply with the sustainable use of soils on construction sites
- e. 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
- f. Details of means of controlling noise, vibration and suppressing dust during the construction process (to include the regime for dust deposition measurement at the site boundaries). The scheme shall comply with guidance found in BS5228-1:2009 and BS5228-2:2009 Noise and Vibration Control on Construction and Open Sites; and the Control of Dust from Construction Sites (BREDTi Feb 2003)
- g. Details of the measures to mitigate the noise and vibration from construction
- h. Details of a surface water drainage scheme for the temporary drainage of the Site

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.

21) No development shall commence until the redundant vehicle crossover (to the west side of the site adjacent to Azalea Drive) has been removed and the pavement reinstated in accordance with details to be submitted to and approved in writing by the local planning authority prior to first commencement of development.

In the interests of highway and pedestrian safety in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

22) All pedestrian and vehicular access, off-street parking spaces (including disabled spaces) and turning areas shown on the hereby approved plan 4112 PD 31/C shall be provided prior to first occupation of any dwelling and kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or not, shall be carried out on that area of land or to preclude pedestrian or vehicular access thereto.

To ensure the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

23) Prior to commencement of use of the hereby approved car park, details in the form of a Parking Management Plan to include space allocation between residents and measures to prevent unauthorised parking by non-residents shall be submitted to and approved in writing by the local planning authority. The car park shall be maintained and operated in accordance with the Parking Management Plan so approved, unless otherwise agreed in writing by the local planning authority.

To ensure that adequate parking provision is provided and retained and to comply with policies T1 and T2 of the Allocations and Development Management Plan.

24) No development shall be carried out on the land until full details of the electric vehicle charging points showing their proposed locations, type and specifications have been submitted to and approved in writing by the local planning authority. 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.

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

25) No development shall be carried out on the land until full details of secure cycle parking for a minimum of 31 cycles has been submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the details so approved prior to first occupation of the development and shall be retained and maintained for use at all times.

To promote and encourage sustainable modes of transport in accordance with policy SP1 of the Core Strategy.

26) Prior to the first occupation of the development, a 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 that are reasonably required to the Travel Plan, shall be submitted to the local planning authority.

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

27) The development shall be implemented in accordance with the Energy and Sustainability Statement (dated March 2017).

To ensure the creation of a sustainable development, in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

28) No development shall be carried out on the land until a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior

to first occupation of any of the residential units hereby approved.

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 Allocations and Development Management Plan.

29) The refuse and recycling facilities shall be provided in full accordance with the details shown on drawing 4112 PD 31/C prior to the first occupation of the development and shall be retained and maintained as such thereafter.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

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

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Allocations and Development Management Plan.

31) 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.

In the interests of protecting the visual amenity of the area in accordance with policy EN1 of the Allocations and Development Management Plan.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) The Environment Agency state that the following points should be noted wherever soakaways or other infiltration systems are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, made ground, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods.

- No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of

soakaways and the water table.

- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Note to applicant

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

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

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

Description of site

- 1 The site comprises an open car park set behind a flat grass verge and enclosed by a brick wall on the southern side (adjacent to Azalea Drive) and informal planting and perimeter fence on the northern side (adjacent to Station Approach). The west of the site is enclosed by the rear elevation of the eight-storey Horizon House, which was recently converted into flats. The east of the site is enclosed by a row of single storey garages.
- 2 The site lies within the urban confines of Swanley, albeit outside of the designated town centre and within a predominantly residential area.

Description of proposal

- 3 Redevelopment of the existing car park site at Horizon House to provide two separate residential blocks comprising of 31 units (14 x 1 beds and 17x 2 beds), including associated car parking, cycle and refuse storage and landscaping.
- 4 Block A would be located on the north side of the site adjacent to Station Approach. It would comprise 21 self-contained flats within a part 4, part 5 and part 6 storey building.
- 5 Block B would be located on the south side of the site adjacent to Azalea Drive. It would comprise 10 self-contained flats within a four storey building. The existing vehicular access to the west of the site would be retained to provide access to 56 off-street car parking spaces.

Relevant planning history

- 6 15/03858/FUL: Redevelopment of the existing car parking site at Horizon House to provide a five and eight storey residential block comprising of 47 residential units (6x1Beds, 40x2Beds, and 1x3Beds), including associated car and cycle parking, servicing and landscaping. WITHDRAWN

14/03509/FUL: Extensive recladding of the existing facade of Horizon House and alterations to fenestration. GRANTED 31.12.2014

14/03457/PAC: Prior notification for a change of use from Use Class B1(a) (offices) to Use Class C3 (Dwellinghouse). This application is made under Class J of The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014. PRIOR APPROVAL GRANTED 11.12.2014

Policies

Core Strategy (CS)

- 7 Policies:

SP1 Design of New Development and Conservation
L04 Development in Swanley
SP1 Design of New Development
SP2 Sustainable Development
SP3 Affordable Housing
SP5 Housing Type and Size
SP7 Density of Housing Development
SP8 Economic Development and Land for Business
SP9 Infrastructure Provision
SP11 Biodiversity

Allocations and Development Management (ADMP)

- 7 Policies:

EN1 Design Principles

- EN2 Amenity Protection
- EN7 Noise Pollution
- EMP1 Land for Business
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

Other

8 National Planning Policy Framework (NPPF):

Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Constraints

9 Urban confines Swanley

Consultations responses

Swanley Town Council

10 Objection:

- Over intensification of site
- Residential parking is based on incorrect data
- Street scene
- No construction management plan
- No traffic plan
- Loss of amenities

KCC Highways and Transportation

11 No objection:

- Sustainable location
- No adverse impact on local road network
- Resident and visitor car parking provision adequate
- Recommend conditions to require submission of a Parking Management Plan, Delivery and Servicing Plan, Construction Management Plan and Travel Plan

KCC Development Contributions

12 No objection:

- Recognise that application will be CIL liable
- Recommend condition to secure Superfast Fibre Optic Broadband

Local Lead Flood Authority

13 No objection:

Recommend conditions to require submission of a detailed sustainable surface water drainage scheme and its future maintenance

Environment Agency

14 No objection:

Recommend conditions to require submission of a preliminary risk assessment, site investigation scheme and verification plan and report

NHS CCG

15 No objection:

Request CIL contributions to deliver necessary health facilities

Crime Prevention Design Advisor

16 No objection:

Recommend condition to require submission of details relating to crime prevention

SDC Environmental Health

17 No objection:

- Subject to implementation of mitigation within noise assessment no objection in relation to noise
- Recommend provision of additional electric vehicle charging infrastructure
- Recommend condition to require submission of a scheme for control of construction noise, vibration and dust and for control of working hours

SDC Tree Officer

18 No objection:

- Recommend condition to require details of replacement tree planting and a landscaping scheme

KCC Ecology

19 No objection:

- Recommend condition to require biodiversity enhancements

Natural England

20 No objection.

SDC Refuse and Recycling

21 No objection.

Thames Water

22 No objection.

Representations

23 25 letters of objection, 7 letters of support and 4 letters of comment received relating to the following issues:

- Inadequate parking
- Increased congestion and impact on bus routes
- High density
- Height
- Out of character
- Loss of light, overshadowing and privacy
- Loss of outlook and views
- Impact on television reception
- Loss of trees and inadequate landscaping
- Noise, smell and disturbance
- Air quality impacts
- Inadequate school spaces
- Inadequate health facilities
- Impact on surface water and sewerage capacity
- Fire safety
- Impact on train capacity
- Swanley is in need of new development and housing
- Would boost local economy
- Query temporary parking arrangements during construction
- Impact on garage access
- Construction impacts

Chief Planning Officer's Appraisal

24 The main planning considerations are:

- principle of redevelopment of the site;
- design and impact on the character of the area;

- proposed housing density, housing type and size
- affordable housing;
- residential amenity;
- highways and parking;
- trees, ecology and biodiversity;
- flood risk, surface water drainage and utilities
- contamination, noise and air quality;
- energy and sustainable construction;
- infrastructure and CIL;
- other issues;
- conclusion and planning balance

Principle of redevelopment of the site

- 25 The application site forms part of a wider site subject to policy EMP1 (o) which states that existing employment sites will be retained, intensified and regenerated for B1-B8 uses. The policy also states that the provision of sites for small and medium size businesses and start-up facilities will be supported. The presumption to protect business floor space is set out in adopted policy SP8 of the Core Strategy (2011) and policy EMP1 of the Allocations and Development Management Plan (2015).
- 26 It is relevant that no part of the site is used for business purposes and since the change of use of Horizon House to residential use the application site has been in lawful use as a resident's car park. On the basis that the existing site has zero employment capacity and that the former business use has been lawfully superseded, it would be unreasonable to require the provision of business floor space as part of its redevelopment in accordance with the requirements of policy EMP1.
- 27 In summary, the site is located in a sustainable and predominantly residential area and the principle of residential use is therefore considered to be acceptable.

Design and impact on the character of the area

- 28 The application site comprises an open car park set behind a flat grass verge and enclosed by a brick wall on the southern side and planting and perimeter fence on the northern side. It is flanked by the eight-storey Horizon House adjacent to the west boundary and single storey garages and two-storey dwellings and gardens to the east. Whilst not located in a particularly sensitive location, Horizon House is prominent in short, medium and long views from a number of directions across the town and beyond. It is accepted that the existing building is an anomaly, being read in the majority of views in the context of much lower buildings in the surrounding area. The surrounding buildings are mostly two and three-storeys high.
- 29 The proposal includes the erection of two detached buildings on the northern and southern perimeters of the site. The layout would facilitate pedestrian access from both Station Approach and Azalea Drive. The principle of a four-storey building fronting Azalea Drive (block B) is considered to be acceptable. The front elevation of the building would be

located at the pavement edge, however this would not be wholly out of character with other buildings in the street, including part of Media House to the west. The buildings directly opposite the site are set back beyond a generous verge and this would help offset the impact of the forward building line of the proposal. Block B would otherwise respect the prevailing form, scale and massing of surrounding buildings which include uniform terraces. The set back top floor would reduce the perceived height of the building in the street scene.

- 30 The northern part of the site lies adjacent to the railway cutting and is less constrained by existing buildings. The greater bulk and mass of the six-storey block (block A) would be tempered by the varied form, use of set backs and variation in height, including stepping down to four storeys towards Lila Place. Although larger than other buildings in the area, block A would appear subordinate in size to the existing Horizon House and I consider it could be accommodated without significant townscape harm.
- 31 With regard to detailed design, both blocks would include prominent vertical and horizontal elements and be well articulated through the incorporation of inset balconies. The buildings would have a contemporary appearance; however through the predominant use of different tones of brick and careful use of cladding, both blocks would integrate with their immediate surroundings, including Horizon House.
- 32 A number of objections have been expressed by local residents in relation to the height of the development. These are echoed by the Town Council. Whilst the proposals would alter the local townscape the NPPF advises 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.
- 33 The proposals would provide modern buildings of distinctive character and good design quality. The principle of larger buildings befitting of this sustainable location adjacent to the railway station is acceptable and would not result in unacceptable townscape harm. In summary, and subject to conditions relating to materials the proposals are considered to comply with policies EN1 of the ADMP and SP1 of the CS.

Proposed housing density, housing type and size

- 34 The provision of 31 dwellings would result in an overall density of 141 dwellings per hectare (dph) across the site. The proposal represents a reduction in dwelling numbers and density from the previously withdrawn application. The proposed density does not conflict with policy SP7 of the CS, which expects development to achieve a density of 40dph, and in suitable locations close to Swanley town centre such as this, higher densities are encouraged.
- 35 Policy SP5 of the CS seeks new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. The policy specifically seeks the inclusion of small units

(less than 3 bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) is also relevant and identifies that the greatest need for housing in the District is for 2 and 3 bedroom properties.

- 36 All of the residential units would be flats with the majority provided in the form of 1 (45%) and 2 (55%) bedroom units thereby complying with policy SP5. Whilst the proposal does not directly meet the housing need identified in the SHMA in terms of size, it would provide for a mix of units. It is also noted that the development is designed primarily for younger and older people with core demand anticipated to come from young professionals and first time buyers attracted to the accessibility of the site to London and from older people seeking to downsize. The higher 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 considered to be acceptable.

Affordable housing

- 37 Policy SP3 of the CS sets out the Council's approach to the provision of affordable housing and is supported by the Affordable Housing SPD. The provision of affordable housing is one of the Council's key priorities and as set out in policy SP3, developments that result in a net increase of 15 or more dwellings are required to provide at least 40% of the units as affordable. In exceptional circumstances where it is demonstrated to the Council's satisfaction through an independent assessment of viability that on-site provision in accordance with the policy would not be viable, a reduced level of provision may be accepted or, failing that, a financial contribution towards provision off-site will be required.
- 38 The applicant is not proposing any affordable housing nor a commuted sum towards off-site provision for reasons of viability. This planning application is supported by an Affordable Housing Assessment. The assessment concludes: *"The outlook for the housing market in Swanley remains positive in view of the limited shortage of supply. Although the value of property continues to grow incrementally the difference between sales values and costs are such that the income generated is not enough to support any additional affordable housing."*
- 39 Independent viability consultants, Dixon Searle Partnership (DSP) has 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.
- 40 DSP has 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.
- 41 DSP queried the build cost assumptions which have now been further justified by the applicant. DSP now agree that the build cost assumptions,

and other assumptions (including 17.5% profit on Gross Development Value) are reasonable. DSP conclude that the scheme would fail to provide any surplus value that could be put toward affordable housing. DSP further note that this is on the basis of a nil land value and that if site value were factored into the appraisal the viability position would weaken further.

- 42 In summary, we are satisfied that the development could not viably support any affordable housing on this site. The non viability of the development represents the exceptional circumstances permitted in policy SP3 and whilst regrettable, the lack of any affordable housing is acceptable.

Residential amenity (for neighbouring occupiers)

- 43 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.

- 44 The introduction of built form where none currently exists has the potential to impact on daylight and sunlight, outlook and privacy of surrounding buildings. The assessment below assesses the impact on surrounding buildings.

- *Horizon House*

- 45 The flank elevation of block A would be located approximately 6m from the rear elevation of Horizon House. A single flat at ground, first, second, third and fourth floors would be affected. The full height living/kitchen/dining (LKD) window and bedroom window in the ground floor flat would look into the undercroft access at a distance of 6m. The impact on outlook would be in part mitigated by an area of buffer planting between.

- 46 The main impacts on the two-bedroom flats at first-fourth floor levels would be to the smallest of two windows in the LKD rooms and a bedroom window. Outlook would be retained from the full height windows in the LKD rooms and from the corner windows in the main bedroom. The windows in the flank elevation of block A would be obscure glazed to prevent overlooking.

- 47 The flank elevation of block B would be located approximately 4.6m from the rear elevation of Horizon House. Two ground floor flats in Horizon House would be affected. Flat 1 occupies the end of the building and the main window in the open plan living/kitchen/dining (LKD) room would look into the undercroft access at a distance of 4.6m. I also note that outlook from this room would be retained from a window in the side elevation of the flat. The single bedroom to flat 1 is located at the front of Horizon House and would be unaffected. Flat 3 is a one-bedroom single aspect unit. The bedroom window would not be obstructed by the development. Outlook

from the single window in the open plan LKD would also be into the undercroft vehicle access. The impact on outlook from the LKD windows in both flats 1 and 3 would be in part mitigated by an area of buffer planting between.

- 48 The brick flank elevation of block B would be readily visible from the rear windows of a first, second and third floor flat. Block B would obstruct the smaller of two windows in each LKD room and two windows serving each of the main bedrooms. In the case of the LKD outlook would be retained from the large full height window. In the case of the main bedroom, outlook would be retained towards Azalea Drive from the corner window. The windows in the flank elevation of block A would be obscure glazed to prevent overlooking.
- 49 The daylight impacts resulting from the development would result in some harm to the living conditions of some residents in Horizon House (as demonstrated by the failure to comply with the recommended vertical sky component test). This is in part a consequence of the uncharacteristically high daylighting conditions achieved in the existing conditions. The daylight and sunlight assessment confirms that the recommended minimum average daylight factor would be achieved. Taking account of this, and the specific circumstances of the flats affected I do not consider that the development would result in unacceptable harm to the amenity of the affected flats in Horizon House sufficient to refuse the application on those grounds.

- *1-6 Lila Place*

- 50 The introduction of substantial buildings where none currently exist would change the appearance of the area and the outlook from the rear of dwellings in Lila Place. The flank elevation of blocks A and B would be located 23m from the rear elevation of 1, 5 and 6 Lila Place and 12m from their rear garden boundaries. However, by reason of the orientation of the buildings (the dwellings in Lila Place are located to the east of the development) and their relatively narrow depth (14m) there would be no unacceptable loss of light or overshadowing to these dwellings or gardens. This is confirmed by the submitted daylight and sunlight assessment.
- 51 There would be 6 windows in the flank elevation of block A and 2 windows in the flank elevation of block B. Although I consider that the distance between buildings would be sufficient to prevent any undue sense of enclosure or harm to outlook, I am mindful that the increased heights of blocks A and B relative to Lila Place and the absence of any significant screening on the boundary could result in a perception of greater overlooking and loss of privacy, particularly within the rear gardens. I therefore consider it reasonable to require the 6 windows in the flank elevation of block A and 2 windows in the flank elevation of block B (all comprising secondary windows to the open plan kitchen/living/dining rooms) to be obscure glazed. For these reasons it is also reasonable to require a privacy screen to the fourth floor level communal roof garden of block A and third floor level terrace to block B.

- *Azalea Drive*

- 52 The dwelling directly opposite the site is 12 Erica Court. This is located perpendicular to the road such that block B would be located opposite the flank elevation of this dwelling at a distance in excess of 15m across the public highway. The development would not result in any harmful loss of light, outlook or privacy to this dwelling. The other closest dwellings on Azalea Drive (numbers 40 and 42) are offset from the development site. The impacts of the proposed development on 40 Azalea Drive would be no greater than from existing Horizon House which is larger than the proposed building. 42 Azalea Drive is set further back from the road at a distance of approximately 22m from the proposed building. The occupiers of this building would not be subject to an unacceptable loss of residential amenity.

Residential amenity (for future occupiers of the development)

- 53 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.
- 54 The proposed development would provide one and two bedroom units. All of the two-bedroom units and 2 of the one-bedroom units would be dual aspect. None of the single aspect one-bedroom units would be north facing. The submitted daylight and sunlight assessment confirms that in all but 2 instances the development would comply with recommended minimum daylighting standards.
- 55 The development would otherwise provide for acceptable levels of outlook and privacy (with approximately 22m separation between the facing elevations of blocks A and B). 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. Each unit would include dedicated storage space. Although we do not prescribe minimum external space standards, each unit would benefit from private external amenity space in the form of terraces or balconies. Block A would also benefit from a communal roof terrace. Officers are satisfied that the development can accommodate necessary refuse and recycling storage within dedicated storage areas.
- 56 All residential units would be capable of being Lifetime Homes compliant in accordance with policy SP5 of the Core Strategy which seeks the provision of an increased proportion of housing designed to the Lifetime Homes standard.
- 57 In summary, I am satisfied that satisfactory living conditions for future occupiers would be provided. Noise and air quality impacts are considered later in the report.

Highways and parking

- 58 Paragraph 32 states that, “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*” (my emphasis).
- 59 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 60 The site is located in a highly accessible location within easy walking distance of the railway station on Station Approach, regular bus routes on Azalea Drive, the town centre and medical facilities, schools, employment and retail uses. As such the site is capable of promoting less reliance on the car.
- *Access*
- 61 As existing there are two vehicular accesses from Azalea Drive into the site. The proposals include the closure of the western access (closest to Horizon House) and enlargement of the eastern access to allow for two-way entry/exit. It is recommended that the closure of the western access, removal of the crossover and reinstatement of the pavement should be subject to a Grampian planning condition.
- *Traffic generation*
- 62 The surveys conclude that the proposals would result in a less than 4% increase in traffic on Azalea Drive and less than 1% increase in traffic on the wider highway network. These small changes would be less than the daily variation and would not result in severe impacts. The development would have no harmful impact on highway capacity.
- *Parking*
- 63 The application is supported by a Transport Statement (TS) and on site survey. The TS includes a detailed assessment of levels of predicted vehicle ownership and parking demand. It concludes that, allowing for a further 5 years growth in vehicle ownership, the parking demand would be 0.59 vehicles per dwelling. When applied to the 87 flats (including 56 within Horizon House), the future parking demand would be for 51 spaces. The proposed development includes the creation of 56 off-street car parking spaces (comprising 51 for residents and 5 for visitors). 3 spaces would be for disabled drivers.
- 64 The parking demand has been corroborated by parking surveys of the existing car park. The surveys were conducted at three intervals over three

days and nights. The surveys demonstrate that between 18-22% of vehicles parked on the site were unauthorised and that peak parking demand for authorised vehicles (belonging to occupiers of Horizon House) was 27 vehicles. This represents 0.49 vehicles per dwelling and below the 0.59 vehicles per dwelling adopted in the TS. The survey demonstrates that the submitted parking demand assessment is robust and that subject to provision of a parking management plan (to prevent unauthorised parking) the proposed parking provision would be sufficient to meet demand for residents and visitors.

- 65 The proposals include secure cycle parking facilities. Subject to conditions to require submission of a Travel Plan prior to first occupation, with appropriate review and monitoring mechanisms to encourage sustainable travel by non-car means, and submission of a Construction Management Plan, the Highways Authority raise no objection.
- 66 Concerns have been raised about parking for existing residents throughout the construction process. Given the scale of the works it is likely that existing on site parking will be displaced for a period of time. It is relevant however that there are existing parking controls in the area; the southern side of Azalea Drive is restricted by a single yellow line prohibiting waiting Mon-Sat 8am-5pm and with the exception of on-street parking bays directly in front of the site (for permit holders and/or pay and display parking Mon-Fri 08.30am-6.30pm) the majority of the northern side of Azalea Drive is restricted by double yellow lines prohibiting waiting at any time. Residents of Horizon House would not be eligible for on-street parking permits and they would therefore need to use unrestricted parking further from the site. Whilst there could be an impact on on-street parking demand in unrestricted areas in closest proximity to the application site, this impact would be spread and for a limited period of time.
- 67 Given the wholly residential nature of the proposed development it is not considered necessary or reasonable to require submission of a delivery and servicing management plan. It is however considered reasonable to require submission of a Construction Management Plan (including details of route management) for approval, as requested by the Town Council. Subject to appropriate conditions the development is capable of incorporating facilities for electric vehicle charging in accordance with policy T3 of the ADMP.
- 68 It is noted that a number of objections refer to the potential highways impacts of the development and in particular impacts from the development on congestion and parking. However these concerns are not supported by the technical advice provided in the Transport Statement or in the response of the Highways Authority which are consistent in their views that the development would provide sufficient off-street parking and would not result in unacceptable congestion in this highly sustainable location.

Trees, ecology and biodiversity

- 69 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. Policy SP11 of the Core Strategy states that

the biodiversity value of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The site is not located within or adjacent to a Site of Special Scientific Interest, Local Wildlife Site or other identified site of biodiversity value.

- 70 The application is supported by an Arboricultural Survey which identifies 17 trees on or directly adjacent to the site. None of the trees are identified as category A. 3 trees are identified as category B and noted to be of moderate quality and value such that their retention is desirable. 11 trees were identified as category C (of low quality and value) and 3 trees category U (dead/dying/dangerous).
- 71 The development would necessitate the removal of a total of 11 trees, 9 of which are category C (of low quality and value). 2 of the trees to be removed are category B Downy Birch trees. They have little intrinsic individual value; their value is in providing a green presence in Azalea Drive, which is an area of low tree cover. The highest value tree to the east of the access (identified as a feature tree with considerable future growth potential) would be protected and retained. It is recommended that provision of protective fencing as shown on the Tree Protection Plan be secured by condition.
- 72 Whilst the loss of three trees in Azalea Drive is regrettable, they are not of such value to merit protection. There is scope for future tree and shrub planting, including 8 trees adjacent to Horizon House on Azalea Drive and 6 trees within the car park and in this respect the proposals are considered to be acceptable and in accordance with relevant policy. The Tree Officer raises no objection.
- 73 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 hardstanding. I therefore consider that the proposal would not result in any harm to protected species and, subject to appropriate conditions, including to secure provision of the green roofs, 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.

Flood risk and surface water drainage

- 74 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.
- 75 The application site currently comprises a car park 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.

- 76 Subject to conditions to secure details of a sustainable surface water drainage scheme, and confirmation 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 Local Lead Flood Authority is satisfied with the proposals. Thames Water has provided a consultation response which indicates that they would not object to the proposals with regard to infrastructure capacity. In light of the sensitivity of the site to water pollution (within Source Protection Zone 3) the Environment Agency has recommended conditions relating to submission of risk assessments and verification reports.
- 77 In summary, I am satisfied that the proposals would have no unacceptable impact on flooding or surface water drainage in accordance with relevant policies.

Contamination, noise and air quality

- 78 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”*. The Planning Practice Guidance 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.
- 79 The application is not supported by any form of contaminated land assessment, however there is no evidence of previous high risk uses of the site and the existing use is as a car park. In the absence of any proposed ground floor living accommodation or amenity space it is not considered necessary to require submission of intrusive investigations or remediation by condition. The Environmental Health Officer raises no objection to this issue.
- 80 The application is accompanied by a noise assessment which identifies that the site is subject to varying levels of road noise from Goldsel Road and Azalea Drive and railway noise from the north. 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 assessment concludes that the facades within the centre of the site are not significantly affected by noise and an opening window ventilation strategy would be acceptable. The facades on the outside of the development would be subject to higher noise levels, however the internal living environments would be capable of meeting relevant standards through the installation of traditional thermally insulating facade components. External amenity areas would be broadly compliant with World Health Organisation thresholds. The Environmental Health Officer recommends that further details of mitigation be secured by condition.
- 81 The application is also supported by an air quality assessment. The site is not located within an Air Quality Management Area and is not subject to high

levels of air pollution. Accordingly no mitigation is required to reduce exposure of future occupiers of the development to air pollution. The assessment concludes that the construction and operational phase of the development is unlikely to generate significant levels of airborne dust or exceedance of relevant air quality standards, including in relation to nitrogen dioxide. Notwithstanding this the assessment recommends a number of ‘best practice’ mitigation measures during the construction phase. The provision of electric vehicle charging infrastructure would promote use of electric vehicles and further mitigate impacts on air quality. It is recommended these measures and provision of electric vehicle charging infrastructure be secured by condition.

- 82 The recommendation to impose a condition to restrict working hours during the enabling, demolition and construction phase is considered to be reasonable. In summary, the proposed development is considered to be acceptable in terms of contaminated land, air and noise impacts in accordance with relevant national and local policy.

Energy and sustainable construction

- 83 Paragraph 93 of the NPPF 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.*” Policy SP2 of the Core Strategy is also relevant however 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.

- 84 Notwithstanding the above, the planning application is accompanied by a Energy and Sustainability Statement which demonstrates the proposals would exceed the minimum requirements set by building regulations through the incorporation of enhanced building fabric and design to reduce energy demand. It has been adequately demonstrated that the proposed development is capable of complying with relevant policies in respect of sustainable design.

Infrastructure and CIL

- 85 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District. The Council has produced the following list of infrastructure types that will be funded through CIL receipts (known as the Council’s Regulation 123 List) and includes infrastructure referred to by local residents and the NHS Clinical Commissioning Group 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).

86 This development is CIL liable and there is no application for an exemption. The CIL payment would be eligible to be used on schemes as listed above and 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.

87 In accordance with policy EN1 of the ADMP details of how the development would incorporate infrastructure to meet modern communication and technology needs (including broadband, high speed internet cabling and digital TV cabling) can be secured by appropriate condition.

Other issues

88 Issues relating to fire safety are subject to control under separate legislation. Whilst concerns relating to potential interference to television signals can be a material planning consideration, the proposed buildings are not so large or in such close proximity to surrounding buildings as to justify submission of baseline surveys or further information. It is also noted that the majority of satellite dishes and aerials observed in the vicinity were angled away from the development site. Although concerns relating to maintaining access to the adjacent garages is not a material planning consideration, the submitted plans do show access to be retained.

Conclusion and planning balance

89 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. 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.

90 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.

- 91 In assessing the benefits, the proposals would provide new homes that would make a contribution to the District’s wider housing supply and would contribute to the social element of sustainable development and attracts significant weight. The development would also directly and indirectly contribute to the local economy through construction and through introducing new residents into the town. These elements of the proposals would be consistent with the economic role of sustainable development and attracts significant weight. The development would also provide for improvements to the physical environment of the area, including through incorporation of biodiversity enhancements and landscaping. These elements would contribute to the environmental role of sustainable development and also attract significant weight. All of these factors weigh in favour of granting planning permission; however, they have to be considered against the potential harm arising from the development.
- 92 In this respect, I have identified limited harm. The development would result in some daylight impacts which would cause harm to the residential amenity of some occupiers of Horizon House, albeit this would not be substantial. The development would also result in the loss of existing trees and some temporary displacement of existing parking. I afford these matters less than substantial weight. I have established that other key issues, including relating to highways and parking impacts from the future occupation of the development are acceptable.
- 93 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(s): Matthew Durling Extension: 7448

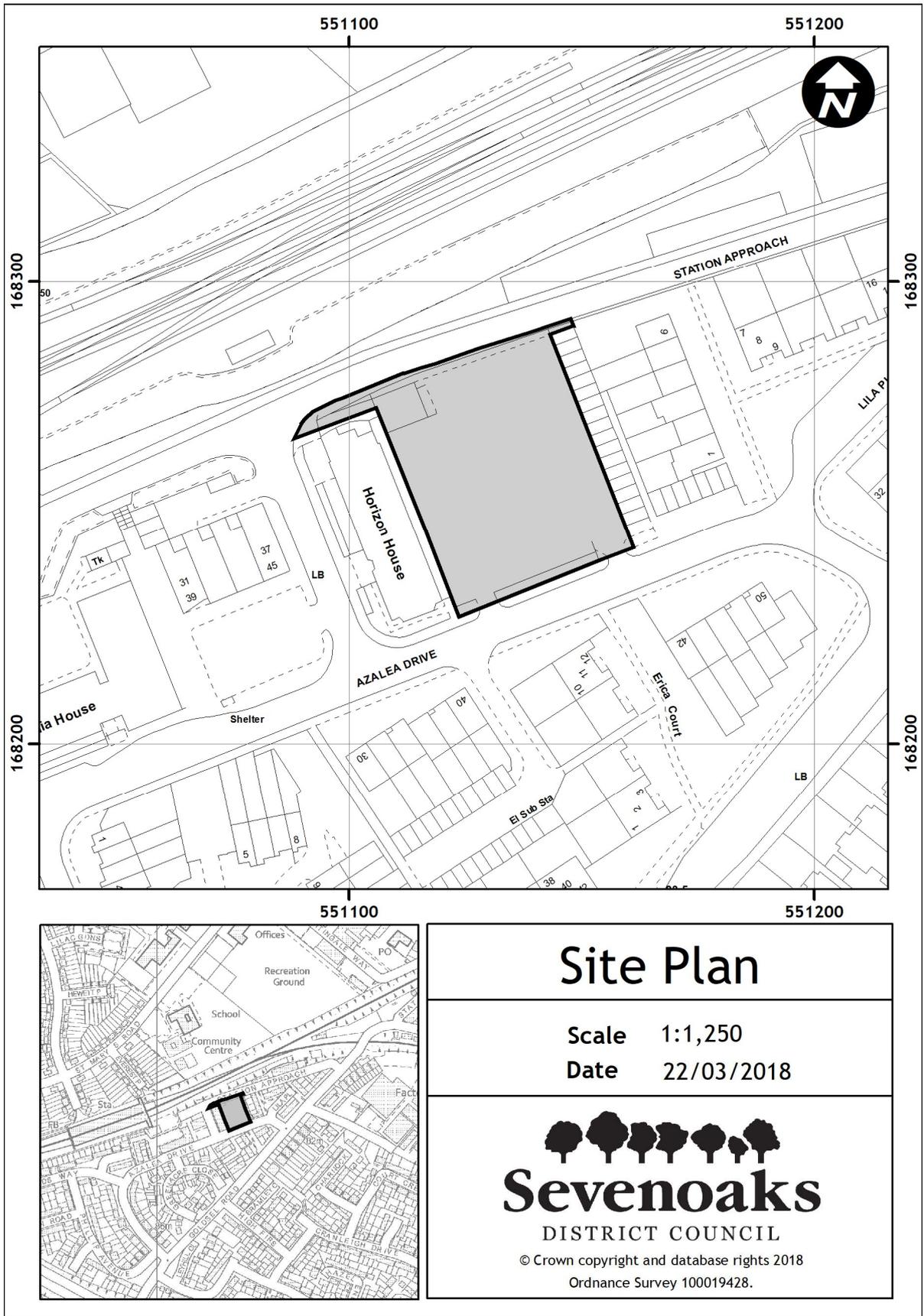
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OUDEPBK0L000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUDEPBK0L000>



Site Plan

Scale 1:1,250

Date 22/03/2018



DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block Plan

