

**DEVELOPMENT CONTROL COMMITTEE**  
**20 August 2015 at 7.00 pm**

Further to the recent despatch of agenda and papers for the above meeting, please find items which the Chairman has agreed to take as urgent matters:

4.3 **SE/15/00216/OUT - Meeting Point Day Centre Rural Age Concern, 27-37 High Street, Swanley BR8 8AE** (Pages 1 - 22)

Reason for urgency: on 28 May 2015 the Development Control Committee resolved that planning permission be granted subject to conditions and subject to the completion of a S106 Agreement making provision for affordable housing within 3 months of the date of the meeting, else permission was to be refused. This resolution is to expire on 28 August 2015 and so the decision must be taken at this meeting as it would have expired by the time of the next meeting. This report has only just been prepared in light of advice received from the Legal Services Team.

5. **Tree Preservation Orders**

5.1 **Objection To Tree Preservation Order Number 04 of 2015 Located At Land to the South of Wells Place, Westerham, Kent** (Pages 23 - 26)

Reason for urgency: this TPO needs to be considered for confirmation by the Development Control Committee and the present meeting is the best practicable meeting for it to be considered. The report could not have been prepared sooner as consideration was being given to the objection and any alternative options. Whilst the deadline for the consideration of the TPO would have allowed for a report to the September Development Control Committee meeting (and no later), it was not practicable for the Arboricultural Officers to attend this later meeting, and their specialist advice would be needed to assist Members in their decision making.

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

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**4.3 – SE/15/00216/OUT**

Date expired 31 July 2015

**PROPOSAL:**

Outline application for Demolition of existing buildings and construction of a mixed use development to include 14 flats and retail premises with some matters reserved.

**LOCATION:**

Meeting Point Day Centre Rural Age Concern, 27 - 37 High Street, Swanley BR8 8AE

**WARD(S):**

Swanley Christchurch & Swanley Village

**ITEM FOR DECISION**

This matter is reported to the Development Control Committee because the application site is owned by the Council

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

1) Details relating to the scale, layout and appearance of the proposed building(s), and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development is commenced.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) The development to which this permission relates must be begun before: -  
The expiration of three years from the date of this permission; or -The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) Prior to commencement of work on site, details shall be submitted to and be approved in writing by the Council to demonstrate provision of on site parking facilities for personnel and visitors and for the storage of materials and plant. Such provision shall be retained for the duration of the building works. The scheme shall be carried out in accordance with the approved details.

In the interests of highways safety and the free flow of traffic on the adjacent highway. "The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted."

5) Prior to commencement of work on site and for the duration of construction facilities shall be provided for wheel washing. The details shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of works

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and the scheme shall be implemented in accordance with the approved scheme.

To avoid the deposit of mud and dirt on the adjacent highway. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

6) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

7) Within 3 months of the commencement of development details shall be submitted to and be approved by the Local Planning Authority of a proposed hard and soft landscaping scheme providing details of materials, species, planting density, planting size and planting programme of all new planting. The scheme shall be implemented in accordance with the approved plans. Any plants that die, become diseased, are damaged or removed within 5 years of the occupation of the development shall be replaced with plants of a species, size and in a location to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance upon completion.

8) Prior to the first occupation of the development, details shall be provided in writing to and be approved by the Local Planning Authority of the proposed bin stores. The store shall be provided prior to the first occupation of the development.

To ensure a satisfactory environment upon completion.

9) Prior to first occupation details shall be submitted to the Local Planning Authority in writing and be approved by them of the proposed cycle storage facility. The scheme shall be carried out in accordance with the approved plans prior to the first occupation of the scheme.

To ensure the satisfactory operation of the scheme upon completion.

10) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of the access only: 3867-PD-01RevB

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

11) Prior to the commencement of work on site and for the duration of construction, provision shall be made on site for the parking, loading/unloading and turning of construction vehicles.

In the interests of highways safety and the free flow of traffic on the adjacent highway. 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."

12) Prior to the use of the site commencing the parking spaces shown on the

approved plans shall be provided and permanently retained. The parking spaces should not be allocated to specific flats / retail units.

In the interests of highways safety and the free flow of traffic on the adjacent highway.

13) Details submitted pursuant to condition 1 shall show a building with a ridge height no greater than the ridge height of 39 High Street, Swanley.

In order to ensure a building that is sympathetic to the scale of the surrounding streetscene in accordance with the provisions of the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

14) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The Local Planning Authority is satisfied that it is fundamental to the development permitted to ensure the provision of affordable housing is met as supported by Policy SP3 of Sevenoaks District Councils Core Strategy and that without this safeguard it would result in a failure to meet this need.

### **Informatives**

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted

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on 0800 009 3921.

3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

4) You are advised that a Party Wall Agreement will be required in connection with the works adjoining 37 High Street.

### **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 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.

### Update on change in circumstances

- 1 Members will recall this application was reported to Committee on the 28<sup>th</sup> May with a recommendation for granting the application subject to the completion of a Section 106 agreement within three months, failing which planning permission was to be refused.
- 2 Since that committee circumstances have not proceeded as planned as Sevenoaks District Council has retained ownership of this site. Sevenoaks District

Council as landowner cannot enter into a legal agreement with itself and thus planning permission cannot be granted in accordance with the resolution of the Committee. In order to enable determination of the planning application and avoid the need for unnecessarily refusing consent, it is requested that Committee revise its resolution in a way that would enable planning permission to be granted whilst ensuring that the delivery of affordable housing can be secured in a legal agreement at a later date.

3. It should be noted that as this is an outline application, even if planning permission were to be granted, there would not be a permission in place under which the Council or any other person would be able to develop the land. The recommended addition of condition 14 protects that position so that at a later date (e.g. at the time of the disposal of the land and / or when determining any application for approval of reserved matters) the Council will retain the ability to require that a Section 106 agreement be entered into by the new owner of the land. If the Council were to retain ownership of the land, although it would not be able to enter into a legal agreement, it would also be expected to comply with condition 14 and submit a scheme for the planning authority's approval.

Accordingly, it is proposed to amend the recommendation to remove the requirement for a Section 106 agreement for the affordable housing and to add the standard condition for affordable housing used by the Planning Inspectorate.

- 5 The amended recommendation is set out above.
- 6 The recommendation for approval therefore remains unchanged.
- 7 The report originally submitted to the Development Control Committee on 28 May 2015 is attached as Appendix, together with a copy of the Late Observation Sheet for 28 May 2015.

Contact Officer(s):

Alison Salter Extension: 7337

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

4.3 - SE/15/00216/OUT Date expired 15 May 2015

PROPOSAL: Outline application for Demolition of existing buildings and construction of a mixed use development to include 14 flats and retail premises with some matters reserved.

LOCATION: Meeting Point Day Centre Rural Age Concern, 27 - 37 High Street, Swanley BR8 8AE

WARD(S): Swanley Christchurch & Swanley Village

**ITEM FOR DECISION**

This matter is referred to the Development Control Committee because the application site is owned by the Council

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

1) Details relating to the scale, layout and appearance of the proposed building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development is commenced.

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To avoid the deposit of mud and dirt on the adjacent highway. 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.

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not be allocated to specific flats/retail units.

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In order to ensure a building that is sympathetic to the scale of the surrounding streetscene in accordance with the provisions of the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

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3) You are advised of the need for the completion of a S106 Agreement in respect of the provision of affordable housing, in accordance with the provisions of policy SP3 of the Sevenoaks Core Strategy, prior to the determination of this application.

4) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres /minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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**Note to Applicant**

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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 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 Proposal

- 1 The proposal comprises an outline application with all matters reserved except means of access, for the demolition of the existing building on the site and the erection of a building to include 14 flats, and retail premises.
- 2 The illustrative plan shows a single block, 3 stories in height, fronting onto the High Street and attached to number 39 High Street. It shows a building that lies on the same building line as the adjoining buildings and be the same height as adjacent buildings. The front roofslope would match that of the adjacent adjoining building at 39 High Street but with a partial flat, partial mansard roof at the rear of the site. The building narrows at the rear with a central projecting three storey element.
- 3 Parking is at the rear of the site accessed via an access between this building and number 25 High Street. Parking is shown for 20 vehicles arranged around the edge of the site. Provision is also shown for refuse/recycling and cycle storage. Sufficient space exists for some landscaping at the edge of the site.
- 4 The ground floor would comprise 3 retail units whilst the two upper floors would accommodate 14 flats: a mix of 1 and 32 bedroom units.

### Description of Site

- 5 The site comprises a 2 ½ storey building attached to number 39 High Street on the edge of the town centre with a large single storey flat roof extension at the rear. Vehicular access is available at the side of the site with parking available at the rear.

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- 6 The property is currently vacant but was last in use by Age Concern with a mixed retail, storage, office, community space – the primary use being as a drop in centre for the elderly. The upper floors were used for ancillary storage or were vacant. It is understood that the building had been used in this manner since at least the early 1980's, albeit not by Age Concern until 2002.
- 7 The nearby buildings are a variety of sizes and designs but all broadly of the same height with commercial uses at the ground floor and a mixture of commercial and residential uses on the floors above.
- 8 To the rear of the site lies an industrial estate.
- 9 Access to public transport and public car parks is nearby.

Constraints:

- 10 Swanley Town Centre, within a secondary retail frontage

Policies

*Core Strategy:*

- 11 Policies - SP1 SP2 SP3 SP5 SP7 SP8 L04 L05

*ADMP*

- 12 Policies - SC1 EN1 EN2 T1 T2 EMP5 TLC2

*Other*

- 13 NPPF

Relevant Planning History

- 14 89/01794 Alterations to ground floor and conversion of first floor from residential to offices. Grant.  
  
92/01026 Alterations to existing ground floor to provide local office, new office front and access ramp. Grant.  
  
13/01696/OUT Demolition of existing buildings and construction of mixed use development to include 16 flats, an office and retail premises. Withdrawn.

Consultations

*KCC Highways:*

- 15 No objection. This application appears to address the concerns raised by Martin Rayner on the previous application on this site back in July 2013. The reduction in the number of flats, the omission of the office use, the widening of the access road and the provision of service parking now means that I consider that the access and parking provision is adequate for the proposed uses. The site is in a sustainable location close to all services and bus / train travel and with public parking available close by.

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- 16 I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans, prior to the use of the site commencing. The parking space should not be allocated to specific flats / retail units in order to maintain maximum flexibility.

2 Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

3 Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

4 Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

*Kent Police Authority:*

- 17 Views awaited.

*Parish / Town Council:*

- 18 The Town Council strongly objects to this planning application on the following grounds:

- (i) The application will lead to an over intensification of the site with insufficient parking provision,
- (ii) If approved the application will create additional highway problems. In particular the proposed point of access and egress adjacent to what is already a very busy roundabout is considered to be dangerous and will create an unacceptable hazard to all road users, and
- (iii) The roads in and around the application site are already at capacity and the development will add additional traffic movements onto what are already congested roads. The amount of additional traffic will also have an impact on air quality.

*SDC Environmental and Operational Services:*

- 19 The provision of, and location of, the recycling and general waste bins for both domestic and commercial waste are satisfactory. Access to the bins by collection crews and vehicles will be by reversing into the site via the access driveway, after

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which the crews will wheel bins to the vehicles. Bins for domestic recycling and general waste should be the drop-front variety as outlined in our earlier comments on the proposed development. Commercial recycling and general waste bins can be the traditional wheeled bins that can be lifted - drop-fronted bins are not needed for the commercial collections.

- 20 The only caveat to above is that, in order for vehicles to reverse into and egress from the site, there must be adequate free space along the kerb on both sides of the driveway entrance for these very large vehicles swing into position to reverse into the site. The High Street is both narrow and always busy, so if there are vehicles parked too close to the driveway entrance large vehicles will not be able to safely negotiate the reversing procedure.

*Thames Water:*

Waste Comments

- 21 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 22 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

- 23 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- 24 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres /minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Representations

- 25 Two letters one in respect of a debt owed on this site and the other raising issues regarding the design – hoping it will improve the town centre, and questioning why the flats are for rent and not for sale.

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### **Chief Planning Officer's Appraisal**

#### Principal Issues

- 26 The main issues concern the principle of development, potential loss of commercial accommodation, density, design/impact upon streetscene, affordable housing, impact upon highways, impact upon neighbour amenities and CIL.

#### Principle of Development

- 27 The Golden thread of the NPPF is a presumption in favour of sustainable development. Therefore development which accords with the development plan should be approved "without delay".
- 28 At a local level policy TLC2 of the ADMP advises that within the secondary retail frontage of Swanley town centre, proposals for the use of ground floor premises for retail and other A Class uses will be permitted where they would not lead to a dead town centre frontage. This policy further clarifies that uses such as residential and commercial, amongst others, will be appropriate within the town centre outside the primary retail frontage and on the upper floors of the primary frontage where there would be no adverse impact upon the functioning of the ground floor use.
- 29 Subject to compliance with other aspects of the Development Plan, on issues such as impact upon highways and neighbours amenities therefore, the principle of this scheme is acceptable and policy compliant.

#### Loss of Commercial Accommodation

- 30 Policy EMP5 of the ADMP advises that proposals for mixed use redevelopment on existing unallocated business sites will be permitted, providing the proposal includes significant elements of business use and complies with all other relevant planning policies.
- 31 This policy further advises that the loss of non allocated lawful business premises to other uses will be accepted, provided it can be demonstrated that the site has been unsuccessfully marketed for re-use in employment use for a period of at least 6 months and that there is no reasonable prospect of the take up for business use.
- 32 The existing premises have been in a mixed commercial/community use at the ground floor. As can be seen from the planning history permission was granted for the change of use of the upper floors to office space in the late 1980's, but it is not clear whether this change ever took place: it appears that the upper floors have been used as ancillary storage to the general commercial/community use of the ground floor.
- 33 Overall these premises have had a mixed use that does not clearly lie within a specific use class – for instance the ground floor, externally had a retail frontage, but in fact was used for a mixture of retail, office, kitchen, lounge/drop in centre and community uses rather than a clear commercial use.
- 34 Therefore whilst policy EMP5 requires a demonstration of ongoing commercial demand where commercial floorspace is to be lost, this issue is not at all clear cut because of the very mixed use the premises have previously been put to.

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- 35 The first floor use for ancillary storage to the ground floor lies within neither of the approved uses ie, not within either commercial or residential use. The loss of this space would not prejudice the successful functioning of the proposed ground floor retail units and in terms of job creation, the proposed use would employ potentially more people than the previous use as it is estimated that the new ground floor retail accommodation could support up to 17 jobs. By contrast the previous community use had less than 5 full time employees employed at the premises with other people being volunteers.
- 36 Therefore whilst any future commercial use of the first floor premises would be lost as a result of this scheme, it will also return the ground floor to three clearly retail uses with consequent employment potential. In view of the location of this site within the town centre it is considered that this would be a beneficial return to wholly commercial use of this part of the High Street.
- 37 Overall it is considered that this scheme is compliant with those policies seeking to maintain an active and commercially viable town centre.

Density

- 38 The NPPF advises that local authorities should consider setting out policies to identify a range of densities for development within their area.
- 39 Policy SP7 seeks to ensure that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Within urban areas such as Swanley new residential development is expected to achieve a density of 40dph and where close to Swanley town centre higher densities will be encouraged.
- 40 The scheme would provide a density of 90 dph. This would be higher than those adjacent sites as a result of the greater occupied floor area, but not incomparable with other blocks of flats within the vicinity of the town centre.
- 41 Given the town centre location the density is considered acceptable and compliant with those policies that seek to maximise development potential within town centre sites.

Design/Impact upon Streetscene

- 42 The NPPF is clear that good design is indivisible from good planning.
- 43 At a local level policy SP1 Seeks to ensure that all new development is of a high quality and should respond to the distinctive local character of the area in which it is situated.
- 44 In this case this application is in outline with matters of scale, layout and appearance reserved for a later stage. In terms of the layout of the scheme the proposed building may align with those on either side offering a continuation of the existing streetscene and as the illustrative scheme submitted demonstrates, a scheme could be developed that could fit sympathetically into the existing streetscene.
- 45 At the rear of other sites along this stretch of the High Street a number of two storey extensions have been built, with a variety of design styles and roof forms.

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Consequently the bulk and scale of works to the rear of the site could be accommodated on this site without appearing out of character in terms of the scale or in terms of design with other nearby sites.

- 46 The parking layout is acceptable and would not appear out of character with the general character of the rear of the site. Indeed some space is shown for planting which would soften the rear of the site and add much needed greenery to the rear of the site.
- 47 Overall it is considered that the scheme could be developed in a manner that would be acceptable within the context of the surrounding streetscene and would be policy compliant. These detailed matters will be considered as part of the reserved matters application dealing with scale, layout and appearance.

### Affordable Housing

- 48 The NPPF seeks to achieve a range of housing type.
- 49 At a local level this is reflected in policy SP3 which seeks to deliver up to 40% affordable housing on a scheme of this type and in this location. The SPD on Affordable Housing identifies that on a scheme of this size would provide 4 units of affordable housing.
- 50 A S106 agreement has not been submitted and therefore in order to comply with policy SP3 such an agreement needs to be agreed. It has been suggested that more than the required number of units could be designated as affordable. Even in this event this still needs to be protected by a relevant legal agreement. Subject to the submission and completion of such an agreement this project would be policy compliant.

### Highways

- 51 Policy T1 seeks to ensure that new development mitigates any adverse travel impacts whilst policy T2 seeks to ensure compliance with the relevant parking standards.
- 52 The site is in a highly sustainable location with easy access to town centre facilities and public transport. The scale of development was not considered sufficient to generate need for a Transport Assessment. A previous application had generated concerns from the County Highways Authority but pre-application discussions have overcome those in the form of the current scheme.
- 53 Concerns have been raised in respect of the level of on site parking. As noted already this is a very sustainable location of the site in respect of surrounding amenities and on site parking has been made in accordance with the relevant standards.
- 54 The access and egress is onto the High Street and is not anticipated to compromise safety of the use of the High Street nor of the nearby roundabout .
- 55 As can be seen from the response of the County highways Authority the access to the site and parking arrangements within the site are considered acceptable, subject to a number of conditions.

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Neighbour Amenities

- 56 The NPPF seeks to ensure that both existing and future occupants will not be prejudiced by any new development.
- 57 At a local level policy EN2 of the ADMP seeks to achieve the same outcome.
- 58 Of those surrounding the site, those most likely to be affected would be the first floor residents in the adjoining building – to whose flats there is a rear entrance, stairs, terrace and rear facing windows. In this case although the precise details of the scheme are not being presented here, the illustrative scheme shows that it would be possible to design a scheme of this scale without significantly affecting the amenities of those around the site. In this instance the building is shown to be stepped back from the boundary with the adjoining building in order to preserve the outlook and amenities of adjacent residents in accordance with relevant guidance in the SPD on Residential Extensions which considers the impact of new development on light, sunlight and outlook of existing residents.
- 59 It is considered that this scheme could be designed in a manner that would ensure the scheme is compliant with those policies seeking to protect the neighbours of the site.

CIL

- 60 The development will be CIL liable but the liability is calculated at the reserved matters stage.

Other Issues

- 61 **Air Quality** This site does not lie in an air quality management area. Given its highly sustainable location reliance on the private motor car could be reduced therefore making this a more sustainable location to develop.
- 62 **Code For Sustainable Homes:** Legislation is currently being changed in respect of the Code for Sustainable Homes requirement. At present policy SP2 is still backed by legislation and must therefore be considered relevant. However two material considerations suggesting otherwise are - the recent ministerial statement and the fact that the Code for Sustainable Homes no longer exists. It would thus be a fairly pointless exercise to impose related conditions. Therefore we can justifiably say a proposal has been considered in relation to the Development Plan however material considerations dictate that in this instance the conditions should not be imposed.

Access Issues

- 63 Would be resolved as part of any B Regs application.

**Conclusion**

- 64 The application seeks permission for a mixed retail/residential scheme sited within the Swanley Town Centre on the site of an existing commercial site.

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- 65 The scheme would replace an existing building that is currently vacant but previously in a mixed commercial and community use with a mixed residential and community use. The existing commercial element of this site has been quite small, most of the floorspace being ancillary to the community aspects of the previous occupier.
- 66 This application is in outline but it is considered on the basis of the illustrative plans that a scheme could be developed to accommodate this scale of development that would sit comfortably within the existing townscape and would not harm the amenities of neighbours..
- 67 Concerns have been raised about the impact of traffic on this site and the surrounding area. The site has been the subject of lengthy discussions with the County Highways Authority and no objections are raised in respect of the means of access nor the level of parking proposed.
- 68 Overall it is considered that a scheme could be designed that would sit comfortably within the streetscene and would be compliant with all relevant policies.

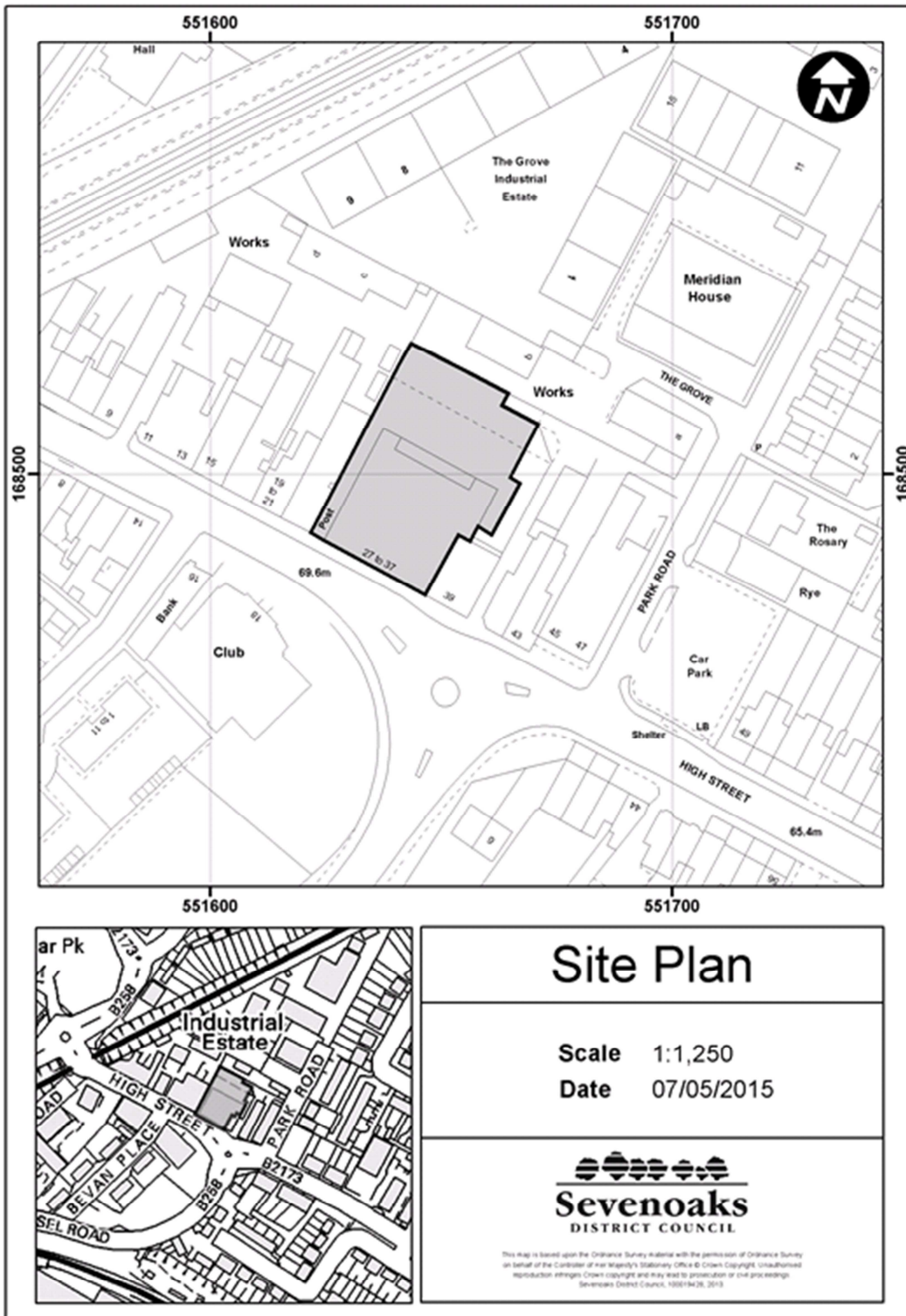
### Background Papers

Site Plans.

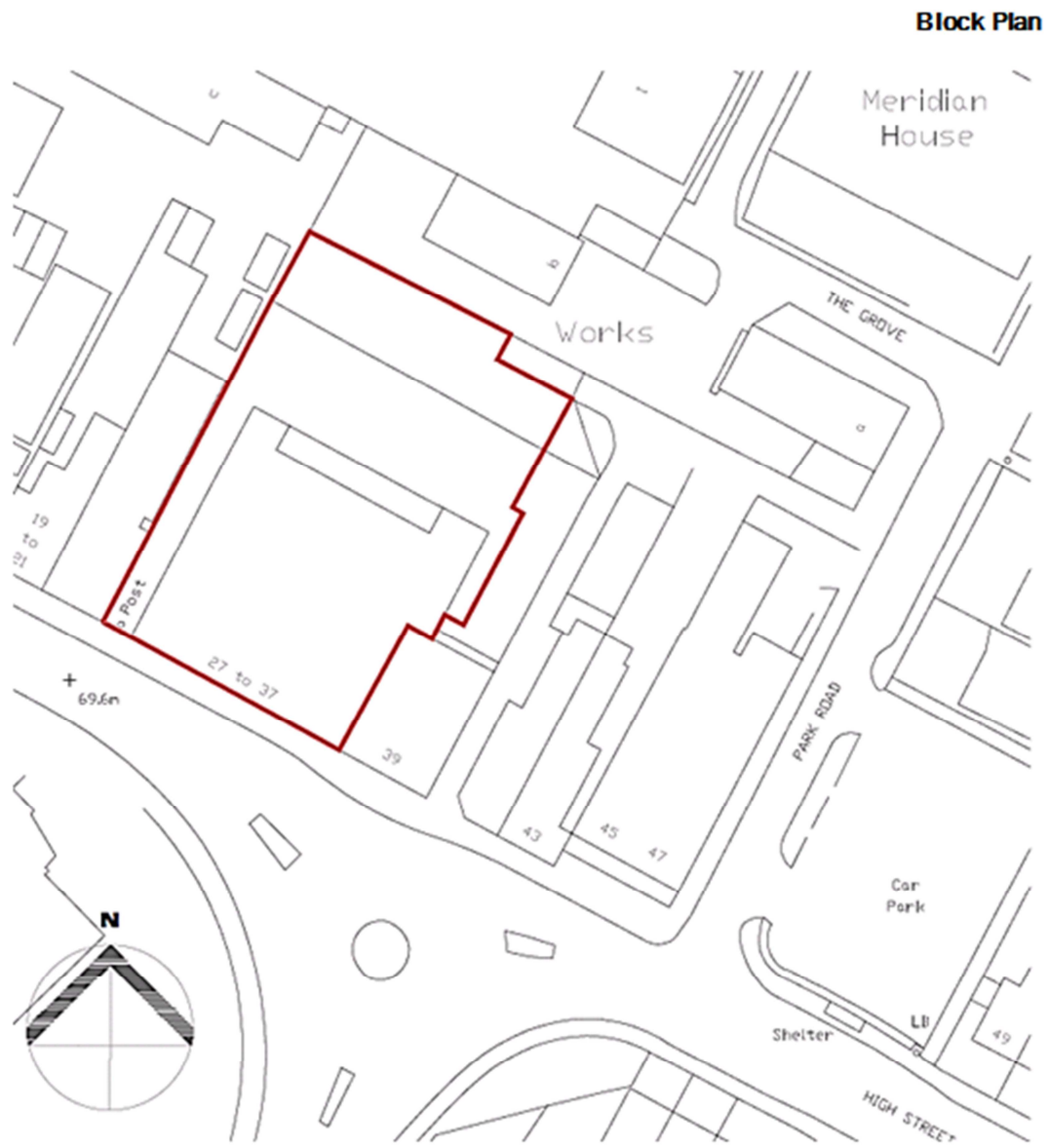
Contact Officer(s): Lesley Westphal Extension: 7235

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

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**Late Observations**

4.3 SE/15/00216/OUT Meeting Point Day Centre Rural Age Concern, 27-37 High Street, Swanley BR8 8AE

Page 89 Recommendation - Amend as follows:

RECOMMENDATION A:

Authority be delegated to the Chief Planning Officer that subject to the completion of a S106 Agreement, within 3 months of the date of this committee, making provision for affordable housing, that permission be Granted subject to the following conditions:

Insert at Page 92:

RECOMMENDATION B:

If the S106 Agreement is not signed within 3 months that permission be refused for the following reason:

Late Observations  
28 May 2015

Page 3

3

The proposed scheme makes no provision for affordable housing, and would therefore be contrary to the provisions of the NPPF, policy SP3 of the Core Strategy and the SPD on Affordable Housing.

Page 92 Description:

Para 4 delete reference to 32 bedroom units and insert reference to 2 bedroom units.

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**5.1 Objection to Tree Preservation Order number 04 of 2015**

**Located at land to the south east of Wells Place, Westerham, Kent**

**ITEM FOR DECISION**

This report sets out details of objections received following this order.

**RECOMMENDATION**

That the Tree Preservation Order No 04 of 2015 be confirmed with one amendment.

**The Site and Background**

- 1 Tree Preservation Order (TPO) No 04 of 2015 relates to several trees situated to the south of Wells Place, Westerham.
- 2 These trees were protected following a notification (SE/15/00548/WTCA) to remove them. This notification brought these trees to our attention. They are situated in a prominent location as they can be seen from public footpath (SR348) that is situated to the rear of Wells Close. They also provide an effective screen between these properties and the footpath. Their removal would have a negative impact on the amenity of the local area. TPO 04 was served in order to afford them continued protection following this notification.

**Representations**

- 3 An objection to the serving of the TPO has been received from Mr S Tricks of 8 Wells Place, Westerham. Mr Tricks objects to the serving of the order, in particular T1, the Pine tree. Mr Tricks objects on the grounds that T1 overhangs a private parking area in a precarious manner and can only be seen by the residents of Wells Close. In order to remove brambles from land to the rear, T1 would have to be removed to be able to carry out these works. Its loss would not be noted. Mr Tricks is willing to plant a replacement tree close to the site of the original.
- 4 In response to the objection raised by Mr Tricks, T1 can be seen from the public footpath to the rear of Wells Close. This was one of the better trees when the site was inspected prior to the serving of the TPO. Its loss would be noted. Any replacement would take a considerable time to become established. With regards to the issue of access to carry out maintenance works, this could be achieved by carrying out pruning works, such as the removal of low branches etc. With regards to the matter of the tree leaning, the Pine tree appeared to be in a sound and healthy condition at the time of inspection.
- 5 As further note, the section of land located to the south east of Wells Close and the north west of SR 348, has recently been divided into three lots and sold to nearby residents. I have been informed that alterations to the individual plots are proposed according to the new owners' individual needs. Such changes will involve various degrees of vegetation clearance. Such clearance will make the Pine tree more visible.

## Agenda Item 5.1

- 6 Late information received regarding the poor condition of T7 suggests that it should be removed from the order and it's retention should not be insisted upon.

### **Conclusion**

- 5 Given the aforementioned information. It is suggested that the details as provided within the objections to this TPO are not strong enough reasoning to leave these prominent trees without any formal protection. It is my recommendation therefore that TPO 04 of 2015 be confirmed with the amendment that T7 be removed from the order.

Please find attached TPO/04/2015 (Appendix 1).

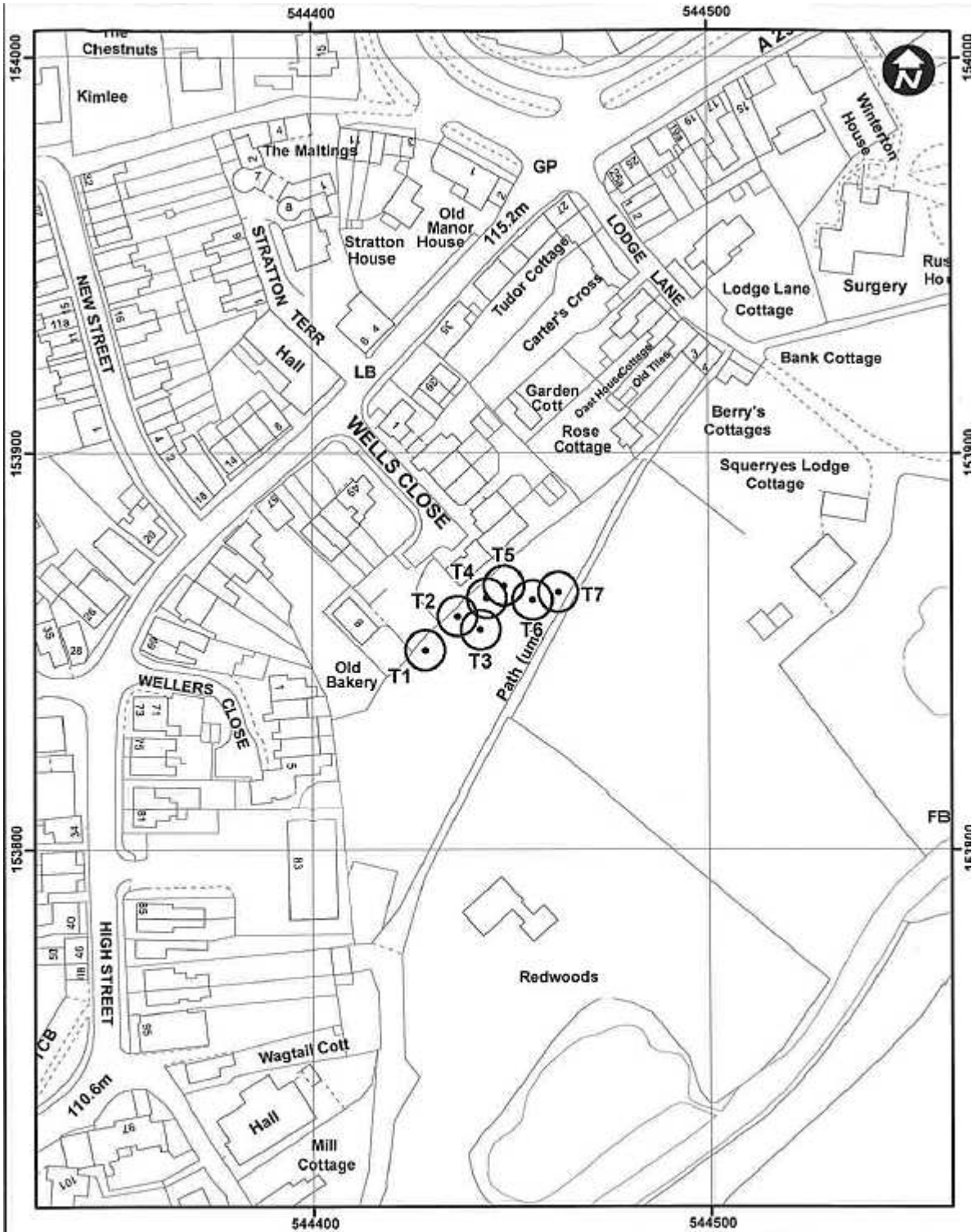
### **Contact Officer(s):**


Mr L Jones Arboricultural & Landscape Officer

Extension 7289

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

**APPENDIX 1**



 <p><b>Sevenoaks</b> DISTRICT COUNCIL</p> <p><small>© Crown copyright and database rights 2015 Ordnance Survey 100016428.</small></p>	<b>Tree Preservation Order</b>	
	TPO 4 (2015)	Scale: 1:1,250 Date: 19/03/2015
	Land to the South of Wells Place, Westerham	

Produced by the GIS Team, Sevenoaks District Council

**SCHEDULE 1**

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Pine	To the rear of 8 Wells Place, Westerham, Kent.
T2	Holly	To the rear of 7 Wells Place, Westerham, Kent.
T3	Sycamore	" " " "
T4	Sycamore	" " " "
T5	Sycamore	" " " "
T6	Sycamore	To the rear of 6 Wells Place, Westerham, Kent.
T7	Sycamore	To the rear of 6 Wells Place, Westerham, Kent.

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

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

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

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

**Woodlands**  
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

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