

4. 2 19/01980/FUL

Date expired 5 September 2019

Proposal:

Erection of 3 no. 3 bedroom dwelling houses with improved children's playground facilities.

Location:

Land North Of, 1 - 7 Conifer Way, Swanley KENT BR8 7UE

Ward(s):

Swanley White Oak

#### ITEM FOR DECISION

This application has been referred to the Development Control Committee since Sevenoaks District Council is the applicant for the application.

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

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-02B-PL-001 Revision A, A983-02B-PL-101 Revision C, A983-02B-PL-102 Revision E, A983-02B-PL-110 Revision D, A983-02B-PL-111 Revision A, A983-02-PL-120, A983-03-PL-130, A983-03-PL-131 and HED.1373.101.

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

3) Prior to the completion of works above damp proof course level, full details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority. 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.

4) Prior to the completion of the development, full details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include:-hard landscaping plans (identifying the finishing materials of areas of hard landscaping and details of all fencing);- planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation including any necessary protection measures during construction. The approved details shall be carried out prior to the first occupation of the development hereby

granted. If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) All first floor windows in the side elevations of the approved dwellings shall be obscure glazed and non-openable at all times, unless above 1.7m above the internal floor level.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the completion of the development, details of measures incorporated into the development to enhance the biodiversity of the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To enhance biodiversity within the local area as supported by the National Planning Policy Framework and policy SP11 of the Sevenoaks Core Strategy.

7) Prior to first occupation of the new dwellings hereby approved, an electrical charging point for the safe charging of electric vehicles shall be provided and maintained for the each of the dwellings.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to the first occupation of the development, the children's play area shall be installed for the use of the general public and maintained thereafter.

To preserve the provision of open space within the area in accordance with policy SP10 of the Sevenoaks Core Strategy and policy GI2 of the Sevenoaks Allocation 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.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

## **Description of site**

- 1 The application site comprises an irregularly shaped piece of open space bounded by properties on Aspen Close to the north, Conifer Way to the south and west and by Russett Way to the east.
- 2 A gap in the fence on Russett Way means that pedestrians are able to access the site from there and it is open from Conifer Way. A children's slide is located to the western corner of the site.
- 3 The levels of the site rise gently from Russett Way up to Conifer Way and from Aspen Way up to Conifer Way.

## **Description of proposal**

- 4 The application seeks approval for the erection of three new dwellings and a new children's play area. The dwellings would comprise two storey units, with a pair of semi-detached houses located parallel with the south-west boundary of the site and a detached unit located in the north eastern corner of the site.
- 5 Parking would be provided for each dwelling on site and each unit would be afforded some amenity space, mainly to the rear of each house.
- 6 The children's play area would include swings, stepping pods and a slide.
- 7 The remainder of the site would provide a pedestrian access from Russett Way through to Conifer Way and would otherwise remain as open space.

## **Relevant Planning history**

- 8 No relevant planning history exists for the site.

## **Policies**

- 9 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- 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.

- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

10 Core Strategy (CS):

- LO1 Distribution of Development
- LO4 Development in Swanley
- SP1 Design of New Development and Conservation
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP10 Green Infrastructure, Open Space, Sport & Recreation Provision
- SP11 Biodiversity

11 Allocations and Development Management (ADMP):

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- GI2 Loss of Open Space
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

**Constraints**

- 12 The site lies within the built urban confines of Swanley and is designated open space.

**Consultations**

Swanley Town Council

- 13 “No comment.”

KCC Highways

- 14 “It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.”

**Representations**

- 15 Six letters of objection relating to the following issues:

- Proximity of the development to neighbouring properties;
- Access to the adjacent properties being restricted;
- Fly-tipping;
- Anti-social behaviour;
- Overlooking and loss of privacy;
- A lack of parking provision;

- Loss of the open space;
- Loss of light; and
- The layout of the development.

### **Chief Officer Planning & Regulatory Services appraisal**

16 The main planning considerations are:

- Principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Parking provision and impact on highways safety
- Trees, landscaping and biodiversity
- Anti-social behaviour and fly-tipping
- Community Infrastructure Levy (CIL)

### **Principle of the development**

17 Some land within built up areas is excluded from the definition of previously developed land. While there is a focus on utilising previously developed land within the NPPF, policy LO1 of the Core Strategy states that new development should be focused within existing settlements.

18 The site lies within the urban confines of Swanley and as such, forms part of an existing settlement with the potential to provide additional housing for the District in a sustainable location. In addition to this, it could represent a development that makes effective use of land, which could support the aspirations of the NPPF.

19 Policy LO4 states that in Swanley provision will be made for approximately 660 dwellings (2006-2026) throughout the town on a range of sites suitable for residential use within the urban area. Subject to this and the considerations bullet pointed above, the proposal to re-develop the site for some form of residential development could be acceptable in principle.

20 Also key to the assessment of the principle of the development is the potential loss of open space.

21 Policy SP10 of the Core Strategy states that open space will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided.

22 Policy GI2 of the ADMP states that redevelopment of open space will not be permitted unless the applicant demonstrates that the loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility). There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.

23 Within the development the applicant has incorporated a significantly improved play area compared with the single children's slide that stands on the site, a significantly improved pedestrian link across the site providing a

formal pedestrian access between Conifer Way and Russett Way, and the retention of some open space.

- 24 It is acknowledged that the development would lead to the loss of some open space. However, given the increase in the quality and quantity of the children's play area and equipment and the increase in the quality of the accessibility of the site and the wider area these factors mitigate against the loss of the current low quality area of open space.
- 25 The proposal therefore meets the test of policy SP10 of the Core Strategy and policy GI2 of the ADMP.

#### **Design and impact on the character and appearance of the area**

- 26 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 27 The application site comprises an open area of grassland bounded partly by fencing and a lock up garage. Surrounding the site to the north, south and west are terraced residential properties, all two storeys in height.
- 28 The proposal includes the erection of a pair of semi-detached houses and a detached house, each two storeys in height. The three houses would have pitched roofs, with the semi-detached houses having hipped ends to their respective roofs and the detached house would have gable ends. The semi-detached properties would be located adjacent to and parallel with the south-west boundary of the site and the detached house would be sited in the northern corner of the site.
- 29 The principle of the mix of buildings proposed is considered to be acceptable. The buildings would be designed and finished to respect and complement the prevailing character of the area, which is characterised by the estates of development that surround the site, comprising terraced and semi-detached properties, and further afield, detached dwellings.
- 30 The layout of the development would respect the site, providing appropriate spacing within the development and between the development and the surrounding properties.
- 31 Overall, the proposal would be of an acceptable design that would respect the character and appearance of the area. As such, the proposals are considered to be in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

#### **Impact on residential amenity**

- 32 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties and would provide adequate residential amenities for future occupiers of the development.

- 33 Due to the prevailing residential character of the area, the development would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements.
- 34 The introduction of built form where none currently exists has the potential to impact on daylight and sunlight, outlook and privacy of the surrounding properties to the site.
- 35 These neighbouring properties include 1-7 Conifer Way, 35 Conifer Way and 1-7 Aspen Close. All other nearby properties would be sufficient distance away from the proposed development to ensure that the amenities of the occupiers of these properties would be safeguarded.
- 36 1-7 Conifer way is a terrace of four properties located to the south-west of the site. These properties are two storey in design and are situated on a slightly higher level to the application site.
- 37 The development would pass the 45 degree angle test in both plan and elevation when applied to 1-7 Conifer Way. The development is also proposed to be sited to the north-east of the neighbouring terrace. The proposal would therefore not cause a detrimental loss of daylight or sunlight to the occupiers of 1-7 Conifer Way.
- 38 The properties that make up the neighbouring terrace of dwellings possesses windows that face onto the application site. The applicant has demonstrated, through indicating levels and a 25 degree angle of view out of the ground floor windows, that outlook from 1-7 Conifer Way would not be significantly interrupted.
- 39 The semi-detached properties would possess front and rear facing bedroom windows at first floor level. However, outlook from these towards 1-7 Conifer Way would be oblique. A first floor side facing window is proposed to face towards the neighbouring terrace of properties. However, this window would serve a bathroom and so could be controlled. No overlooking or loss of privacy would therefore occur to the occupiers of 1-7 Conifer Way.
- 40 35 Conifer way is a two storey, end of terrace property located to the north-west of the site on a similar level to the application site.
- 41 The development would be located over 25m from No.35 and so would not cause a detrimental loss of daylight or sunlight to the occupiers of this neighbouring property, would not interrupt outlook and would not result in overlooking or loss of privacy.
- 42 No.35 would be sited adjacent to the proposed children's play area. The play area has been designed for younger children and so is likely to be used during daylight hours. Any noise or disturbance from the use of the play area would therefore not have a detrimental impact on the occupiers of No.35.
- 43 1-7 Aspen Close is a terrace of four properties located to the north-east of the site. These properties are two storey in design and are situated at a similar level to the application site.

- 44 The development would pass the 45 degree angle test in both plan and elevation when applied to 1-7 Aspen Close. The development is also proposed to be sited to the south of the neighbouring terrace. The proposal would therefore not cause a detrimental loss of daylight and is sufficiently spaced not to cause a detrimental loss of sunlight to the occupiers of 1-7 Aspen Close.
- 45 The properties that make up the neighbouring terrace of dwellings possesses windows that face onto the application site. The applicant has demonstrated, through indicating levels, a 25 degree angle of view out of the ground floor windows and the layout of the development that outlook from 1-7 Aspen Close would not be significantly interrupted.
- 46 The detached property would possess front and rear facing bedroom windows at first floor level. However, outlook from these towards 1-7 Aspen Close would be oblique. A first floor side facing window is proposed to face towards the neighbouring terrace of properties. However, this window would serve a bathroom and so could be controlled. No overlooking or loss of privacy would therefore occur to the occupiers of 1-7 Aspen Close.
- 47 The future occupiers of the development would generally be provided with adequate residential amenities for future occupiers. One potential issue is the relationship between 1 and 3 Conifer Way and the pair of semi-detached houses and 1 Aspen Close and the detached unit. These are close relationships but they are not unusual for an urban area such as this.
- 48 Overall, the development would safeguard residential amenity in compliance with the NPPF and policy EN2 of the ADMP.

#### **Parking provision and impact on highways safety**

- 49 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 and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 50 The site is located in a highly accessible location within walking distance of the town centre, railway station, regular local bus routes, medical facilities, schools, employment and retail uses.
- 51 The proposals include the provision of a single vehicular access from Conifer Way and pedestrian access from both Conifer Way and Russett Way. The development would result in a modest increase in traffic movements locally. However, this would not significantly impact the wider road network.
- 52 The area to the front of the garages adjacent to the access to the detached dwelling are not designated parking spaces and future owners of the development would have a right to pass along this access way. Therefore, vehicles should not be parking in such a way to block access to the site.

- 53 The development also includes a minimum of two parking spaces for the two semi-detached units and a single parking space for the detached dwelling. This provision, in addition to the location of the development, and the lack of on-street controls means that the parking provision is wholly acceptable.
- 54 The applicant has demonstrated that the development is capable of incorporating facilities for electric vehicle charging.
- 55 Finally, local residents have raised the issue of access to the adjacent properties being restricted. This would not be the case with the layout of the development retaining existing accesses including those pedestrian accesses to the rear of 1-7 Conifer Way.
- 56 Overall, the development would be in accordance with the NPPF and policies T1, T2 and T3 of the ADMP.

### **Trees, landscaping and biodiversity**

- 57 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity. Policy EN1 of the ADMP states that trees should be incorporated into the layout of development.
- 58 The site currently possesses no trees of importance and so none would be lost. The development provides an opportunity to improve the current situation with regards the landscaping of the site. Details of this can be secured by way of condition.
- 59 Ecological enhancements can also be sought by way of condition to ensure that there is an ecological gain.
- 60 Therefore, the development would be in accordance with the NPPF and policy SP11 of the Core Strategy and policy EN1 of the ADMP.

### **Anti-social behaviour and fly-tipping**

- 61 With regards to the issue of anti-social behaviour within the play area, the existing limited play facilities are neglected and in a run down the state, which at present may be encouraging any existing anti-social behaviour that takes place within the site.
- 62 The provision of new facilities could go some way to preventing anti-social behaviour and the facilities are made for younger children, which will make the space the space less attractive to older children who are more likely to behave anti-socially.
- 63 The scheme has also been designed in line with the Kent Police crime prevention guidance to further reduce the potential for anti-social behaviour. This would be achieved in part by natural surveillance of the play area being maximised and the area being fenced off.
- 64 Concerns have also be raised regarding anti-social behaviour and fly-tipping along the pedestrian access to the rear of 1-7 Conifer Way. As per the

existing situation, the natural surveillance from the existing houses in the terrace would continue to warn off any anti-social behaviour or fly-tipping.

65 In any event, if anti-social behaviour or fly-tipping takes place these are matters controlled by other legislation.

#### **CIL**

66 This proposal is CIL liable and there is no application for an exemption.

#### **Conclusion**

67 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.

68 It is therefore recommended that this application is approved

#### **Background papers**

Site and block plan

Contact Officer(s):

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**Richard Morris**

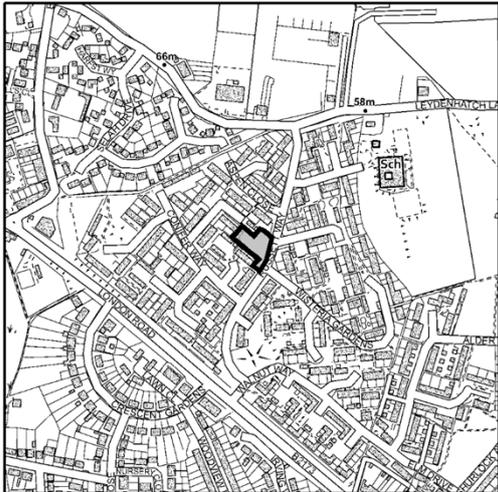
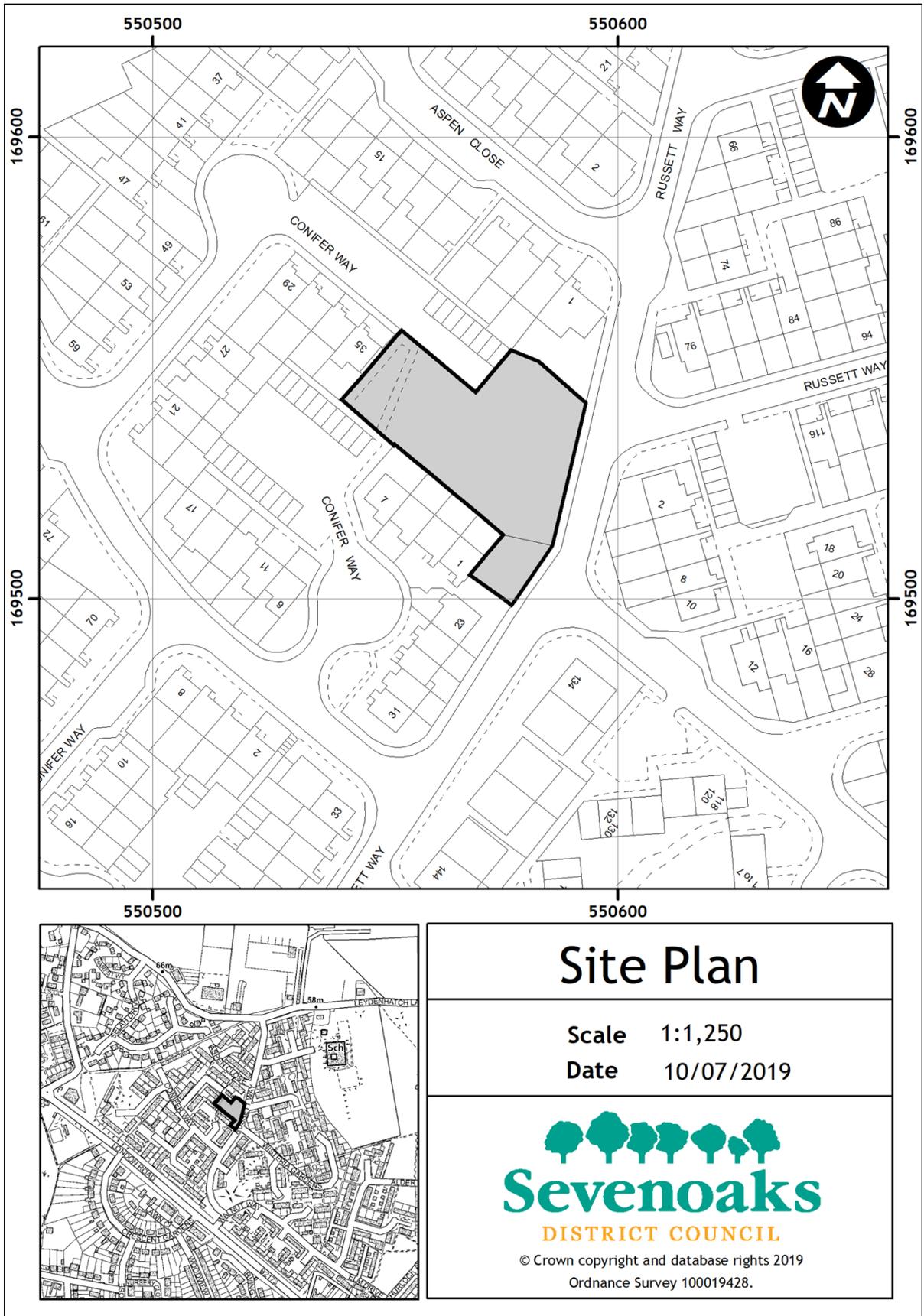
**Chief Officer Planning and Regulatory Services**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PU42LDBK0L000>



# Site Plan

Scale 1:1,250

Date 10/07/2019



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Ordnance Survey 100019428.

BLOCK PLAN

