

4.4 19/01496/FUL

Date expired 17 October 2019

Proposal: Proposed demolition of existing building. Erection of new building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space and 3 apartments to the third floor. Provision of rear undercroft.

Location: 11-13 High Street, Swanley, KENT BR8 8AE

Ward(s): Swanley Christchurch & Swanley Village

**Item for decision**

This application has been referred to the Development Control Committee by Councillor Barnes on the grounds of insufficient parking.

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: SLP.01, S.01, S.02, PL.01/A, PL.02/C, PL.03/B, PL.04/D, PL.05/A, PL.11/C, PL.12/C.

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

3) The development shall be carried out only in accordance with details approved on 20.11.2019 under reference 18/02774/DETAIL and also those details approved on 26.07.2019 under reference 19/01484/DETAIL relating to land contamination and remediation of land contamination.

In the interests of pollution prevention and to protect public health in accordance policy SC1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall

include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met.

In the interests of pollution prevention and to protect public health in accordance with the National Planning Policy Framework.

5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and the National Planning Policy Framework.

6) Unless in accordance with the details approved on 07.01.2019 under reference 18/02840/DETAIL, 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 detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. Discharge rates shall be restricted to 50% of the peak brownfield discharge rate unless otherwise agreed in consultation with the Lead Local Flood Authority and Thames Water. No development shall take place other than in accordance with the approved details.

To ensure the development is served by 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.

7) 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.

8) Unless in accordance with the details approved on 20.11.2018 under reference 18/02842/DETAIL, no development shall take place until a noise assessment and characterisation for the potential noise impact on the residential units, together with details of necessary mitigation measures have been submitted to and approved in writing by the local planning authority. The noise assessment shall be carried out in accordance with the requirements of BS4142:2014. The mitigation measures shall include details of acoustic ventilation and glazing required to protect the approved bedrooms, living rooms and balconies from noise and vibration in accordance with the requirements of BS8233:2014 and the strategy set out in the Environmental Noise Assessment by Idom Merebrook (reference ENA-19502-16-101 REV A, dated June 2017). The approved protection measures shall be completed in accordance with the approved details prior to the first occupation of the relevant residential unit and maintained thereafter.

In order to provide an acceptable standard of residential accommodation in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

9) Unless in accordance with details approved on 20.11.2018 under reference 18/02843/DETAIL, no impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details.

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

10) Unless in accordance with the details approved on 25.06.2009 under reference 19/01279/DETAIL, no development shall be carried out on the land until a demolition and 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 the proposed working hours b. Details of locations of vehicle parking for site operatives and visitors c. Details of an area for the storage of plant and materials d. A site waste management plan e. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the

site boundaries; f. Details of the measures to mitigate the noise and vibration from construction g. 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.

11) Unless in accordance with the details approved on 07.01.2019 under reference 18/03484/DETAIL, 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 Sevenoaks Allocations and Development Management Plan.

12) Unless in accordance with the details approved 20.11.2018 under reference 18/02844/DETAIL, 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 Sevenoaks Allocations and Development Management Plan.

13) Unless in accordance with the details approved under reference 18/03533/DETAIL and the treatment of the rear 3rd storey described in the Design and Access Statement Addendum dated May 2019, no development shall be carried out on the land until details, including samples as appropriate, 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 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 Sevenoaks Allocations and Development Management Plan.

14) Unless in accordance with the details approved on 07.01.2019 under reference 18/03534/DETAIL, no development shall be carried out on the land until

details of the green wall on the side elevation of the hereby approved building has been submitted to and approved in writing by the local planning authority. The details shall include: method of installation, management and maintenance. The green wall shall be installed prior to the first occupation of the building and thereafter maintained and managed in accordance with the approved details. Any part of the green wall which is removed, die, becomes severely damaged or diseased within ten 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.

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

15) Unless in accordance with details approved on 07.01.2019 under reference 18/03536/DETAIL, no development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have 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 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 GI1 of the Sevenoaks Allocation and Development Management Plan.

16) The car parking spaces and turning areas as shown on the hereby approved plan PL.01/A shall be provided prior to first occupation of the building and kept available for such use at all times. No development shall be carried out on that area of land or to preclude vehicular access thereto. The car parking spaces shall be for the use of occupiers and visitors to the building only and shall not be reserved for specific individuals, companies or organisations.

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

17) Unless in accordance with the details approved on 20.11.2018 under reference 18/02846/DETAIL, no development shall be carried out on the land until details for the installation of an electric vehicle charging point showing its proposed location, type and specification 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 any of the residential units 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 Allocation and Development Management Plan.

18) Unless in accordance with the details approved on 20.11.2018 under reference 18/02847/DETAIL, no development shall be carried out on the land until full details of the secure cycle storage shown on the hereby approved drawing PL.01/A has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of any part of the development.

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

19) The refuse and recycling storage as shown on the hereby approved plan PL.01/A, shall be provided in accordance with the details so approved prior to the first occupation of any part of the development and retained 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.

20) The commercial units as shown on approved plan no. PL.01/A hereby approved shall be used as Class A1 retail use only and for no other use.

In recognition of the location of the site within a protected retail frontage in the town centre and pursuant to policy L05 of the Sevenoaks Core Strategy and policy TLC2 of the Sevenoaks Allocation and Development Management Plan.

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

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

22) The flat roofs hereby approved to the rear of the building (as demonstrated on drawing PL.04/D and PL.05/A and not annotated for use as a balcony or terrace) shall be accessed only for maintenance purposes.

To protect the privacy of the neighbouring buildings and to comply with policy EN2 of the Sevenoaks Allocation and Management Plan.

23) Notwithstanding the approved drawings, prior to the installation of any solar panels to the roof of the building, details of their design and appearance, including their projection from the roof, shall be submitted to and approved in writing by the local planning authority. The solar panels shall be installed only in accordance with the approved details.

To ensure the development preserves the character and appearance of the area and to comply with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

### **Informatives**

1) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the viability of the nearest gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to proceed with providing broadband access please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

3) 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 This 0.5 hectare site is located on the north eastern side of High Street within Swanley town centre. The existing building has now been demolished but once comprised of a two-storey, traditional brick and tile building with a pitched roof. The ground floor comprised a former retail use with a single storey flat roofed extension to the front of the building.
- 2 A single track access adjoins the western side of the building which provides access to a yard and other accesses at the rear of the site.

## **Description of proposal**

- 3 This application seeks new planning permission for the development in its entirety for the development previously approved (and has been implemented) under planning reference 17/01628/FUL but includes and additional three flats to the rear of the site at third level above the position of a previously approved flat roof.
- 4 The changes to the proposals do not entail changes to the design approach at the front of the building and the front elevation would not experience significant change as a result of these proposals.

## **Relevant planning history**

- 5 17/01628/FUL- Planning permission was granted by the Development Control Committee on 15 December 2017 for development described as:  
  
“Proposed demolition of existing building. Erection of new three storey building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space. Provision of rear undercroft car/cycle and motorcycle parking.”
- 6 A non-material amendment was granted on 22 May 2018 (reference: 18/01148/NMA) for the following:
  - Amendments to floor plans and residential/ commercial unit sizes and layout;
  - Amendments to the front and rear building lines;
  - Addition of 22 photo voltaic panels;
  - Amendments to windows;



- Amendment to undercroft cycle store.

A minor material amendment was granted on 23 January 2019 (reference 18/03226/MMA) for the following additional changes:

- Amendment to roof form at the back of the building (rear 2/3rds) to incorporate flat roof with surrounding parapet walls and solar panels;
- Associated minor alterations to fenestration including new door to rear elevation at 'attic level';

## Policies

7 National Planning Policy Framework (NPPF)

8 Core Strategy (CS)

- L01 Distribution of Development
- L04 Development in Swanley
- L05 Swanley Town Centre
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

9 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development

- EN1 Design Principles
- EN2 Amenity Protection
- TLC2 Swanley Town Centre
- EMP5 Non Allocated Employment Sites
- GI1 Green Infrastructure and New Development
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Charging Points

10 Other:

- National Planning Policy Framework
- National Planning Policy Guidance
- Sevenoaks District Council Affordable Housing SPD

### Constraints

11 The following Constraints apply:

- Swanley Town Centres
- Secondary Shopping Frontage
- Air Quality Management Area

### Consultations

12 Swanley Town Council

Objection: “This application offers severely inadequate parking which is considerably below Kent Guidelines, even for a town centre.”

### 13 KCC Highways

“This application is similar to the previous application on the same site (SE/17/01628) except, it would appear, for the addition of 3 additional apartments at 3rd floor level. It is proposed that there will be a total of 4 car parking spaces together with 17 secure cycle parking spaces. As I commented on the previous application, this is a town centre location with a good level train and bus services available nearby as well as all essential facilities (shops, schools, medical practices etc.) available within an easy walking distance. Since, for a town centre development, both IG3 and SPG4 recommend maximum parking standards, and the fact that there is public car parking nearby, I do not raise any highway objection to this proposed level of car parking provided. To ensure this parking remains available at all times in the future, I would suggest Conditions be applied similar to Conditions 16, 17, 18 and 21 of the 2017 application. Given the location on the busy High Street, I would recommend that a Condition requiring a Construction Management Plan be submitted and approved prior to any works commencing.”

### 14 Environmental Health

“I am concerned at the degree of noise exposure to this proposed development with a potential adverse impact from noise being identified to the rear of the proposed development from extract equipment at Domino’s Pizza and whilst the author of the noise report has stated that this will not be an issue with the proposed glazing, BS 4142:2014 cannot be used to evaluate noise levels within the property, any adverse level is considered as an external value only. So this is an adverse impact on any external amenity space in that locality.

My greatest concern is the external amenity space, indeed the noise report by Hawkins Environmental dated 16th July 2019, has a section on this and as expected the author has quoted the first paragraph of section 7.7.3.2 of BS 8233:2014 in isolation and disregarded the second paragraph of that section, which states that some areas of balconies, roof gardens or terraces should be able to achieve a level of 55 dB LAeq,T in any instance the development should be able to demonstrate good acoustic design and I do not believe this is indicated in the report. Therefore amenity space that does not meet this basic requirement should not be considered amenity space within this design.

Whilst the report mentions other non-statutory guidance that states other nearby publicly accessible external amenity space such as public parks or a local green space designated because of its tranquillity, however I would question Swanley Recreation Ground fitting this description, being adjacent to a railway line, having sports pitches and having a skate park.

I do not believe that if the balconies etc. are considered amenity space then this proposal is unacceptable.

As indicated by the contaminated land Phase 1 (desk top) study a phase 2 (intrusive) investigation is necessary and based on the findings the applicant should submit a remediation strategy to be agreed in writing by the Local Planning Authority and on completion of all remedial works the applicant shall submit a validation report for the works to be agreed in writing by the Local Planning Authority prior to habitation of any dwelling. This could be a condition if you are minded to grant permission.”

15 Environment Agency

“We have reviewed the information submitted and for this scale and type of development we would make no detailed comments for land previously used for low use retail/ residential use. Any soakaway for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with the building regulations Approved Doc H. Any unexpected contamination encountered should be reported to the Environmental Health Officer in accordance with building regulations approved Doc C.”

16 Urban Design Officer

“The proposed application has minimal impact to the front elevation from what has been previously approved (18/03226/MMA) apart from the flat roof extension that sits behind the front elevation roof line. The three additional flats are accommodated to the rear of the building. The use of external materials for this addition helps break up the bulk of the building as a whole. Further to this, the proposed rear elevation has incorporated clerestory windows on the third floor to address the blank façade to the rear and provide more sunlight for the flats at this level. Please find further details below:

Materials and appropriate detailing to be ensured though suitable conditions. It is acknowledged that the PV's have been centrally located and set back to reduce visual impact, however with planning permission being granted for higher development in the town centre and the topography of the site is lower than this area, it is recommended that further details are provided in regards to addressing these considerations so the PV's are as discreet as possible and reduce roof clutter. As per the NPPF para 151. the use of PV's is encouraged, and therefore removing them is not seen as an appropriate way to address these considerations. External pipework on the front elevation juts out and is not sensitive to the external appearance of the building facing the streetscape. Further to this, the downspout elbow causes a visual obstruction in front of the balcony windows on the second floor. This should be addressed to create a higher quality finish to the external pipework detailing.

The windows of bedroom 1 in flat 1 look out onto the undercroft car park area, and part of the neighbouring wall/fence, this raises potential issues regarding the quality and quantity of natural light and outlook. The area outside of the ground floor window facing the car park could have some defensible space to attempt to address this issue. Further to this, specifications for the window (i.e. window size, position and opening direction) that looks out onto the car park should be provided to ensure privacy.

The single track access route located to the western side of the site should be enhanced to create a safe access route to reduce the current character of a 'back alley'. The residential entrance should be more visible from the street, welcoming and provide easy and safe access for all as per NPPF para 91b). Improvements could include enhancing the hardstanding material from blacktop to, for example, a resin bound gravel laid onto a porous base so it is SUDS compliant; lighting and/or artwork or signage. It is also encouraged that the corner windows of the commercial unit at ground floor are retained as clear windows and are not covered/film wrapped to retain active frontage around this corner. In line with the NPPF para. 91b) in order to create safe and accessible places, so that crime and disorder and fear of crime do not undermine the quality of life. The set back of the bin stores beside the entrance to the southern stairwell creates a blind or potentially dark alcove, this should be addressed to enhance the feeling of safety when entering the access points to the building."

## 17 KCC Economics

"Whilst we appreciate this application will pay the CIL adopted by Sevenoaks District and that the County Council cannot request contributions through an s106 agreement, the development will still have an impact on County services which cannot be accommodated within existing capacity. This development will place the following unfunded pressures on KCC:

- Primary: 12 flats @ £831 per applicable flat ('applicable excludes 1 bed units of less than 56 sqm GIA - please confirm the 3 x 1 bed flats are below this threshold?) = £9972.00
- Secondary: 12 flats @ £1029.00 = £12,348.00
- Community learning: @ £8.90 per dwelling (x15) = £133.50
- Youth Service: @ £65.50 per dwelling (x15) = £982.50
- Libraries: @ £48.02 per dwelling (x15) = £720.30
- Social Care: @ £78.08 per dwelling (x15) = £1171.20

- Waste: @ £237.54 per dwelling (x8) = £3563.10
- Broadband: The Department for Culture, Media and Sport requires fibre to the premise/gigabit capable fibre optic connection for all. Please include within any Planning Consent the requirement to provide 'fibre to the premise' broadband connections to all premises of gigabit capacity, namely: INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the viability of the nearest gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to proceed with providing broadband access please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

It is requested that these impacts be noted in determining the application and that Sevenoaks District Council allocates CIL funds received from the development to ensure the impacts of the development can be met and the development regarded as sustainable.”

18 KCC Ecology- (summary)

No information has been provided to assess the potential for roosting bats to be present or advise if ecological surveys are required.

19 Thames Water- (summary)

Condition recommended to restrict piling, unless approved by the local planning authority in consultation with Thames Water, due to the position of a strategic sewer.

Informatives recommended with regard to proximity to public sewer and discharge of ground water.

20 South East NHS

No response received.

21 Kent Police

No response received.

22 KCC Lead Local Flood Authority

No response received.

### **Representations**

23 No representations have been received.

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

24 **The main planning considerations are:**

- The principal of the redevelopment including change of use;
- Design and impact on the character of the area;
- Housing density and housing type;
- Provision of affordable housing;
- Residential amenity;
- Highways and parking;
- Trees, ecology and biodiversity;
- Flood risk, surface water drainage and utilities
- Land contamination
- Infrastructure

### **The principal of the redevelopment including change of use**

- 25 The building which previously existed on the site contained a pair of two-storey semi-detached buildings in Class A1 retail use at ground floor and Class B1 office use above. The proposed development would include two retail units at ground floor and 15 residential units. The site is located within the designated town centre, where for the purposes of policy L05 of the Core Strategy, it is acknowledged there is a significant scope for development to achieve regeneration objectives.
- 26 The proposals would involve the loss of a B1 use on the site. This is the same as previously accepted in 2017, when the same local development

plan policies were applicable. For the earlier 2017 application, it was accepted that the property had been vacant for some time, as was the case at the time of an earlier 2014 application and there were accepted to be inherent physical shortcomings of the building for this purpose(s). It was also acknowledged that the applicant could exercise a fall-back position of a lawful residential conversion using permitted development rights.

- 27 The existing building has now been demolished in its entirety in connection with the existing 2017 permission. In light of this earlier permission, which could still be built out, no objection is raised to the loss of a B1 use on the site.
- 28 The proposed retail frontages are welcome and would support an active frontage and the proposed residential units would contribute to the District's Housing stock. Overall the mix of uses proposed is acceptable.

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

- 29 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.
- 30 The overall design approach of the development is not proposed to be significantly changed from the earlier approval. The proposed front elevation, and overall footprint of the building on the site, is not changed from the earlier permission.
- 31 The Urban Design Officer has raised concerns regarding some of the design features of the earlier permission. However, as there has not been a significant change in Development Plan policies, and as building commenced under the 2017 permission, it is not considered reasonable that those features are now objected to. There are conditions of the earlier permission which address issues such as security lighting and designing out crime which should be repeated on any new permission to alleviate several of the concerns raised by the Urban Design Officer.
- 32 The changes proposed for this scheme solely relate to the introduction of additional accommodation at the back of the site at the second floor level. Under the original application the new building included its high level accommodation at the front of the site addressing the High Street, and dropped at the back of the site. This form of development, with taller properties fronting the main road, is characteristic of traditional development along this stretch of the road.
- 33 Despite this, the site is situated at a point of transition between the terrace of properties directly to the northwest and other properties of similar character to the south east. The nature of development on the backs of the



plots varies significantly and due to the proximity of the railway line and industrial uses to the north, the back of the site is not visually prominent in longer views. For these reasons, on balance, the addition of an extra storey to the back of the site is considered acceptable.

- 34 The architectural treatment of the additional storey at the rear has been designed to appear visually distinct from the rest of the building below. Instead of mimicking the materials of the floors below, it is proposed to have cladding with a standing seam detail. This serves to visually reduce the visual bulk of the back of the building and help the additional storey to appear as a more subordinate addition. This is also facilitated through the setbacks from the approved parapets.
- 35 The Council's Urban Designer supports the inclusion of new windows in the far rear elevation, to break up an otherwise large blank façade. Concern has been raised for the solar PVs proposed to the roof of the building. These were previously proposed behind the approved parapets where they would experience limited visibility from the surrounding area. Despite their set back on the roof, the proposed PVs would experience more visibility from longer view points. As such a condition is recommended to secure further details of those panels to help secure measures to reduce their height and/or visual impact.
- 36 The Urban Design Officer has suggested that improvements be made to the access to the west of the building from where the residential units would be accessed. However, this access lane is not part of the application and is understood to be outside the applicant's ownership. As the current proposals entail only an uplift of 3 units it is not considered that this would sufficiently justify highway improvement works where the earlier scheme did not. As discussed above, a lighting scheme for the residential entrance has been approved by condition under the original application.
- 37 Overall, on balance, the proposed redevelopment in its entirety is considered acceptable and compliant with the aims of Development Plan policies.

#### **Housing density and housing type**

- 38 The proposals would provide 15 residential units in total, creating a density of approximately 30 dwellings per hectare (dph). This is still notably lower than the expectations of policy SP7, which seeks a density of 75 dph in Sevenoaks and Swanley town centres, but is considered appropriate for this context.
- 39 The proposals seek to provide 3 x 1 bedroom units and 12 x 2 bedroom units. The original permission was for 12 x 2 bedroom units. While the mix is heavily orientated around smaller units, this is considered acceptable for this location. The earlier Officer's Report acknowledges that the site is not

best suited for family accommodation. Therefore the proposed mix is acceptable.

### **Provision of affordable housing**

- 40 The application does not propose provision of any affordable housing either on the site or in the form of a payment in lieu of affordable housing elsewhere, contrary to policy SP3.
- 41 The application has been submitted with a financial viability report prepared by Rapleys and the document is publically available in line with current National Planning Practice Guidance. Independent viability consults, Dixon Searle Partnership (DSP) have assessed the applicant's report on behalf of the Council. DSP have undertaken a robust review of the scheme which has included assessing whether any key revenue assumptions (such as sales values estimates) have been under or over estimated. DSP agree with the approach taken by the applicant and agree that the majority of the assumptions inputted into the assessment are reasonable for this scheme.
- 42 DSP have highlighted queries relating to the planning fees and the value of the new retail units. However they note that any adjustment to those assumptions would not move the result into 'positive territory' or provide scope for an affordable housing contribution.
- 43 On this basis it is agreed that the scheme remains unable to provide an affordable housing contribution. This amounts to the exceptional circumstances permitted by policy SP3 of the Core Strategy.

### **Residential Amenity**

- 44 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 45 The applicant has provided an updated sunlight and daylight assessment which considers the impact of the development on the neighbouring buildings in line with accepted BRE methodology and guidance.
- 46 15 High Street is the neighbouring building to the south east which is understood to have residential accommodation on its upper floors. In summary the report shows that three windows at the back of no.15 would experience a noticeable reduction in daylight. Two of these are in a first floor porch at the back, which is not a habitable room but part of the entrance to the property. Therefore the impact on these windows is not considered to be harmful to the overall living conditions of the property.
- 47 With regard to the third and most affected window, this was similarly affected by the previously approved scheme, although it is noted that the

impact is worsened to a degree by the current proposal. The previous Officers report stated this affected room was served by another window in the building and, based on a site visit, would appear to serve a bedroom. The impact of the development on this window is also not considered to cause significant harm to the overall living conditions of that property.

- 48 The impact of the proposals on the levels of sunlight to those windows has not been tested as they are north facing.
- 49 The report demonstrates there would be no harmful loss to the windows in No.9 High Street (to the north west), which would experience only a very small reduction (less than 5%) of daylight. The impact is therefore likely to be unnoticeable.
- 50 With regard to privacy, it is relevant that the extant planning permission included a number of openings to both side elevations and balconies to the west facing elevation. These would be increased by the proposals, which would introduce more openings in the third floor level. It continues to be the case, as in the approved scheme, that views from the new windows and balconies would be predominantly over the back land of the neighbouring sites. Any views towards neighbouring properties would be at such a distance and acute angles to prevent unreasonable overlooking or loss of privacy.
- 51 The separation afforded by the access road on the western boundary, and the green wall to be planted to the eastern side elevation, would help to mitigate the visual impact of the development on the outlook from neighbouring properties.
- 52 With regard to the living conditions of the future occupants of the development, this is considered to be acceptable. Environmental Health have raised concern for the noise experienced by future occupiers, in particular by users of the external amenity spaces.
- 53 The majority of units forming the scheme have received planning permission previously and at the time of the original planning application, Environmental Health raised no objection to those proposals at the time, suggesting only that conditions are imposed to secure the necessary noise attenuation measures. At this time, Dominos Pizza was also present. It is therefore not considered that there has been a significant change in circumstances since the earlier permission, which would now reasonably result in a different conclusion.
- 54 The proposals provide only 1 and 2 bedroom units and as a result are unlikely to provide family accommodation. There are also no external balconies proposed to the east facing elevation.

- 55 The additional units proposed under this new application are all 1 bedroom flats and there are no new external amenity spaces proposed to the east elevation facing Dominos Pizza. The additional terraces are proposed to the west facing elevation, away from this potentially noisy neighbouring use.
- 56 For these reasons it continues to be considered that the standard of the proposed accommodation is acceptable and compliant with policy EN2 of the ADMP.

### Highways and parking

- 57 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 58 The proposals would provide 15 units in total and have 4 off street parking spaces at the ground floor level (including one wheelchair accessible space), accessed via the western side of the building. The level of parking provision is the same as for the previously approved scheme for 12 flats.
- 59 The parking standards contained in Appendix 2 of the ADMP require that 1 and 2 bedroom flats in a town centre location have a maximum of 1 space per unit. It states that a lesser provision, or even nil provision, is encouraged. On this basis the level of parking provision proposed is policy compliant. KCC as Highways Authority have reviewed the proposals and accepted the proposed parking level on the basis of the sustainable location of the site and proximity of public transport and also public car parks.
- 60 In accordance with the earlier planning permission for 12 units, a condition is recommended to secure a travel plan for the residential units to ensure that sustainable means of transport are actively encouraged among future residents.
- 61 It is relevant that the current NPPF states at paragraph 109 that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 62 In light of the mix of unit sizes now proposed and the highly sustainable location of this site, it is not considered that the impacts on the road network arising from this development would be severe.
- 63 17 secure cycle parking spaces are proposed within the car parking area and this is welcome.

- 64 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. This provision can be secured by condition.

### **Trees, Ecology and Biodiversity**

- 65 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.
- 66 Despite concerns from KCC regarding the potential for bats on the site, the building has now been demolished and this issue was considered as part of the previous planning application. It is relevant that the extant planning permission included conditions relating to biodiversity enhancements, and these are recommended again here.
- 67 The proposal would not impact upon any existing trees on or near the site, and due to the coverage of the proposed building on the site, none could be accommodated as part of the scheme. The proposals do however include a green wall to part of the eastern side elevation.

### **Flood risk, surface water drainage and utilities**

- 68 The site lies within Flood Zone 1 which has a low probability of flooding. The Lead Local Flood Authority raised no objections previously. It is recommended that conditions are repeated if planning permission is granted to require implementation of a surface water drainage scheme which has been approved in consultation with the Lead Local Flood Authority. Thames Water have also been consulted and raised no objections to the proposals.

### **Land contamination**

- 69 As with the earlier planning permission, and in line with the requests of consultees, conditions are recommended to ensure that appropriate land contamination issues are addressed during the course of the construction and that details of the completed remediation are submitted for approval by the Council before any part of the development is first occupied.

### **Infrastructure**

- 70 Kent County Council have provided details of the likely impact of the development on infrastructure and this has been presented as a financial sum. However, in line with Planning Practice Guidance and the CIL Regulations, as Sevenoaks District Council is a CIL charging authority, these contributions cannot lawfully be secured as part of any planning application at this time.

- 71 At the time that the original permission was commenced, the applicant made a CIL payment of £32,745, which would help fund infrastructure in the District. The affected bodies should therefore seek to bid for this Council's CIL contributions.
- 72 As this new proposal involves more floorspace, it would similarly be liable for a CIL payment.

### **Conclusion and Planning Balance**

- 73 For the reasons discussed above, it is considered that the proposals are compliant with the relevant policies of the development plan.
- 74 At this time, as the Council do not have a tested five year housing supply in the context of the NPPF the 'tilted balance' in paragraph 11 is engaged. This means that there is a presumption in favour of granting permission unless any 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.
- 75 The proposals would provide an appropriate mix of new units in a sustainable town centre location that would contribute to the District's housing stock. The ground floor level retail units would also contribute positively to the active frontage of the street. Overall it is considered that the proposals would be acceptable and wholly accords with Development Plan policies.

### **Background papers**

Site and block plan

Contact Officer(s): Claire Shearing

Contact: 01732 227000

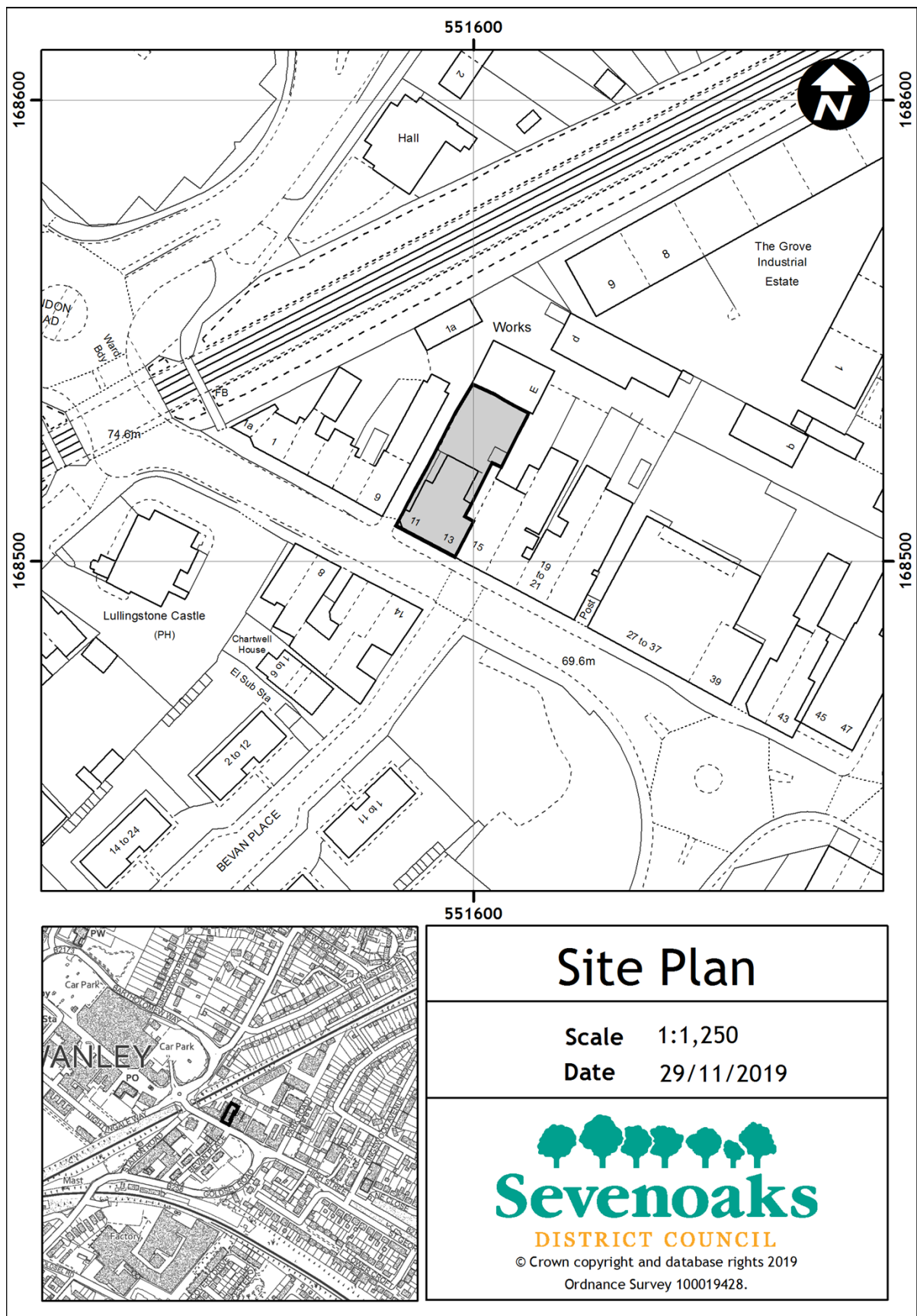
**Richard Morris**  
**Chief Planning Officer**

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=PRT8A7BKIWG00>



## BLOCK PLAN

