

4.1 19/03543/FUL

Revised expiry date 27 May 2020

Proposal: Demolition and redevelopment of 27-37 High Street, Swanley to provide 17 new homes for private sale and a business hub (B1) in a new building of three storeys. Provision of car parking bays to the rear of the site, cycle parking, communal garden, landscaping and associated works. As amplified by amended drawings received 18.2.20 and as amplified by amended ground floor plan received 1.4.20.

Location: Former Council Offices, 27 - 37 High Street, Swanley
Kent BR8 8AE

Ward(s): Swanley Christchurch & Swanley Village

Item for decision

This application is referred to Committee as the applicant is Sevenoaks District Council.

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) For the avoidance of doubt the information to which this decision relates is as follows: Existing drawings: (00)001, 002, 003, 004, 005, 006, 007, 008. Proposed Drawings: (00)100 B, 101, 102, 103, 200 A, 201, 300; (03)100, 101, 102, 103, 104, 105, 106; (06)900, (21) 700, 701, 702. - Bell Phillips Architects - Planning Statement (Dec. 2019) & Design and Access Statement (Dec 2019) - GIA Chartered Surveyors - Internal Daylight, Sunlight and Overshadowing Reports (Dec 2019) - RGP - Transport Statement 19/BBPA/4709/TS02 (Dec 2019) - Energy and Sustainability Statement by XCO2 - Hann Tucker Associates - Environmental Noise Survey and Acoustic Design Statement Report 26597/ADS1 (Aug 2019) & Residential External - Building Fabric Report 26597/EBF1 (Sept 2019) - Air Quality Assessment by XCO2 (Dec. 2019) - Morph Structures - Flood Risk Statement and Surface Water Management (Suds) Report- Savills - Viability Report (Jan 2020)

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

3) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the LPA. The Statement shall include details of:-The routes for construction and delivery vehicles to / from the site. -Parking and turning areas for construction and delivery vehicles and site personnel,-Timing of deliveries,-Provision of wheel washing facilities,-Temporary traffic management/signage. The approved

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Construction Management Plan shall be adhered to throughout the construction period for the development.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users adjacent to the site in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place until the "Highly Recommended Mitigation Measures" set out in Table 7 of the Mitigation section of the Air Quality Assessment, which are designed to minimise pollution from the site during construction works, have been implemented in accordance with the details set out. The mitigation measures shall be adhered to for the duration of works.

In the interests of reducing pollution levels likely to adversely impact the amenities of the occupants of neighbouring buildings as supported by Government advice in the form of the National Planning Policy Framework.

5) No development other than works of demolition and clearance of the site shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Statement and Surface Water Management (Suds) Report dated November 2019 and 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented 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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development. As supported by Government advice in the form of the National Planning Policy Framework.

6) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the

critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

7) No development other than demolition shall take place until samples of the main facing materials, together with details of the brick type to the new boundary walls, have been submitted to the District Planning Authority for approval in writing. The building shall be constructed using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

8) Prior to construction of any of the approved buildings on site full details of the hard and soft landscaping, means of enclosure and refuse enclosures shall be submitted to and approved in writing by the Council. Those details shall include:- Details of all hard surface materials including paving for the communal garden;- Planting plans, (identifying new planting);-Written specifications, (including cultivation and other operations associated with plant and grass establishment);- Schedules of new plants, (noting species, size of stock at time of planting and proposed number/densities where appropriate), Plans/section of proposed tree pit system;- all means of boundary treatment and other means of enclosure within the site, and;-A programme of implementation, unless otherwise agreed in writing by the Local Planning Authority prior to commencement of construction as part of the programme of implementation, all planting, seeding and turfing comprising the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of any of the approved buildings. If within a period of five 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 enhance the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

9) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

In the interests of amenities of neighbouring occupiers in particular and the locality in general as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

10) The forecourt parking spaces and cycle parking facilities shown on the approved Ground Floor Plan no.: 0617-BPA-DR-A-00100 shall be provided concurrently with the development and shall be kept available for such use at all times and no permanent development shall be carried out on the land so shown or

in such a position as to preclude vehicular access to the vehicle parking and cycle spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy T2 of the Allocations and Development Management Plan.

11) Prior to first occupation of the development a Parking Management Plan shall be submitted to the Local Planning Authority for approval in writing. The approved plan shall be implemented as approved and maintained thereafter.

To ensure permanent and efficient retention and operation of vehicle parking for the properties as supported by policy T2 of the Allocations and Development Management Plan.

12) The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

To ensure a sustainable form of development which reduces dependency on use of motor vehicles as supported by policies SC1 and T3 of the Council's Allocations and Development Management Plan.

13) No development other than demolition shall take place until full details of the proposed mechanical ventilation system have been submitted to the Local Planning Authority for approval in writing. Such details to include a noise assessment of any associated plant. The approved details shall be implemented prior to first occupation of the building.

In the interests of reducing air pollution levels to occupants of the building as supported by Government advice in the form of the National Planning Policy Framework.

14) No development other than demolition shall take place until a scheme for protecting the residential units from noise from the adjacent highway has been submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented prior to first occupation of the residential units.

In the interests of reducing noise pollution levels to residential occupants of the building as supported by Government advice in the form of the National Planning Policy Framework.

15) The development hereby permitted shall incorporate measures to minimise the risk of crime. Prior to construction further details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to the Council for approval in writing. The approved measures shall be implemented prior to first occupation of the development and thereafter retained.

In the interest of Security, Crime Prevention and Community Safety as supported by the National Planning Policy Framework and Policy EN1 of the Allocations and Development Management Plan.

16) No development other than demolition shall take place until details for the provision of facilities for the safe charging of electric vehicles and an implementation timetable for the installation of the unit shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the building, maintained thereafter and be available for use at all times.

To secure a sustainable form of development as supported by policy T3 of the Council's Allocations and Development Management Plan.

17) The business hub shall not operate other than between 07:00 to 21:00 hours Mondays to Saturdays (inclusive) and between the hours of 10:00 to 17:00 hours on Sundays and shall not operate at all on Bank or National Holidays.

To safeguard the amenities of neighbouring residential occupiers as supported by policy EN2 of the Council's Allocations and Development Management Plan.

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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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) Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.

Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted.

"The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

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.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/building water.

4) It is recommended that the applicant consider moving the pathway for the private terrace/defensible space area for the ground floor flat, so it is not directly aligned in front of the bedroom window. This is to provide privacy from the communal seating area and the bedroom window.

5) The applicant is advised that given the noise climate of the site, it is suggested that the applicant consider extending the mechanical ventilation system to the residential properties fronting the building to provide enhanced means of ventilation.

6) The applicant is advised that with regard to the condition regarding secured by design, you should have regard to the Consultation response from Kent Police Designing Out Crime Officer which makes a number of recommendations.

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 is located on the High Street, on approach to Swanley Town Centre and fronts the roundabout forming the junction between the High Street and Goldsel Road (B2173).
- 2 The site comprises a large rectangular plot, approximately 1,300m² in area, with a 28m frontage to the High Street and overall depth of some 46m. The property abuts commercial premises to the southern flank, but is separated from the property to the north (nos.23-25) by an existing vehicular access, which leads to the rear of the site. The rear portion of the site is open, hard surfaced and provides parking. The flank and rear boundaries are formed by wire mesh fencing. To the rear of the site are industrial units, beyond which is The Grove Industrial Estate.
- 3 The existing building is 2½ storey in form, with pitched roof above containing modest dormers front and rear, with extensive, single storey, flat roof extension to the rear. Whilst it abuts no.39, which is of similar scale and design, this neighbouring building does not form part of the site.
- 4 The property has been vacant for a considerable time, but was last used by Age Concern with a mixed retail, storage, office and community space, but the primary use was as a drop in centre for the elderly. The upper floors were ancillary or vacant.
- 5 The northern two-thirds of the building was formerly used as the Meeting Point Day Centre with the attached one-third used by Age Concern.
- 6 The large site direct across the road to the south-west (car park/former working men's club known as Bevan Place) is allocated in the current Allocations and Development Plan for residential development.

Description of proposal

- 7 It is proposed to demolish the existing building and erect a 3 storey, flat roof building with an "L" shaped footprint. The ground floor would comprise a large, business hub (250m²), with partly glazed front and rear elevations, with the northern portion providing a self-contained entrance

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to the apartments and plant room, with external refuse storage. Vehicular access from the High Street to the rear of the building would be retained in the existing position, along the northern flank of the proposed building. Turning and parking for 9 vehicles is provided to the rear of the site, together with extensive cycle parking and a communal garden area.

- 8 The application follows detailed pre-application discussions. In summary the proposals have been reduced by a storey in height and extensive development proposed at the rear of the site has been omitted.

Relevant planning history

- 9 SE/15/00216/OUT: 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. Granted 26.8.2015.

13/01696/OUT: Demolition of existing buildings and construction of mixed use development to include 16 flats, an office and retail premises. Withdrawn.

92/01026: Alterations to existing ground floor to provide local office, new office front and access ramp. Granted.

89/01794: Alterations to ground floor and conversion of first floor from residential to offices. Granted.

Policies

- 10 National Planning Policy Framework (NPPF)

- 11 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
- SP11 Biodiversity

- 12 Allocations and Development Management Plan (ADMP)
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - TLC2 Swanley Town Centre (identified as secondary frontage)
 - EMP5 Non Allocated Employment Sites
 - GI1 Green Infrastructure and New Development
 - T1 Mitigating Travel Impact
 - T2 Vehicle Parking
 - T3 Provision of Electrical Charging Points

13 Other:

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

Constraints

14 The following constraints apply:

- Urban confines of Swanley
- Within designated “Town Centre”
- Secondary shopping frontage
- Air Quality Management Area

Consultations

15 Swanley Town Council

“Objection: Welcome the business hub in principal as it will support local businesses. Object on the grounds of insufficient parking, suggest that SDC provide an alternative parking solution”.

16 KCC Highways

Concerns were originally raised to the submission and further information was requested. This has since been submitted and the formal Highway comments are as follows:

I refer to my previous email response on 6th March 2020 and note that a revised drawing - 0617-BPA-DR-A-00100/B - has now been submitted showing the correct size of parking spaces.

Given the number of parking spaces to be provided which is acceptable in such a town centre location, I would recommend that a Parking Management Plan be required prior to first occupation as a Condition to ensure the limited number of spaces are managed in an acceptable way.

Whilst I still have concerns about the width of the access and pedestrian visibility, as I previously indicated, it would be difficult to raise a highway objection when the parking numbers, and therefore, frequency of use are reduced from the existing.

I 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 and/or garages shown on the submitted plans prior to the use of the site commencing.
2. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
3. A Parking Management Plan is submitted and approved by the LPA prior to first occupation.
4. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to/from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
5. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

17 Environmental Health

“I refer to the above mentioned application.

The submitted transport assessment has suggested that three passive and three active electrical vehicle charging points would be provided. We would

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suggest that in order to mitigate the potential impact of the Air Quality Management Area that this is conditioned as part of any approval.

The submitted noise assessment has demonstrated that the site could be suitable for residential occupation, but that at this stage full details of mitigation would need to be submitted. Environmental Health would be happy for the proposed condition (Paragraph 2.35) contained in the report to be added to any approval.

The air quality assessment has stated the mitigation in the form of mechanical ventilation would be required to protect the health of the ground floor users. We would suggest that full details of this system should be submitted prior to first use of the premises. It will be necessary to ensure that noise from any such plant is subject to a noise assessment to ensure the relevant noise criteria at the residential units are not exceeded. Given the noise climate of the site, we would suggest that the applicant may wish to consider extending such a ventilation system to the residential properties fronting the building to provide enhanced means of ventilation”.

18 Planning Policy

“The key strategic planning policy issues are considered to be:

- Impact on Swanley town centre and the retail frontage
- Provision of affordable housing
- Housing size, type and density

19 Town Centre and Retail frontage:

The site is located within the southern portion of the Swanley Town Centre area and forms part of the secondary retail frontage. Therefore, policy TLC2 applies and in particular paragraph a) and c) of the policy. This states that within the secondary retail frontage, ground floor A Class uses will be maintained except where evidence is provided by the applicant to show that these uses are no longer financially viable units in these uses. In such circumstances, non-residential town centre uses at ground floor level would be permitted. The policy also states that business and residential uses will be permitted outside the primary retail frontage where consistent with paragraphs b) and c). The submitted information does not appear to contain any viability information in relation to potential A Class uses on the ground floor of the scheme. However, it is noted that the existing use on site does not fall within Use Class A as it stands, and therefore, the proposed B1 use on the ground floor is unlikely to have a negative impact on the general extent of the town centre retail frontage.

20 Housing size, type and density: (See main report below for full comment)

The proposal seeks redevelop the site with 247m² Business hub on the ground floor and 17 residential apartments over the ground, first and second floors of the proposed building.

21 Affordable Housing:

Policy SP3 seeks the provision of 40% of the total number of units to be affordable on schemes of 15 dwellings or more. The policy also sets out that where it is demonstrated to the Council's satisfaction through an independent assessment of viability that on-site provision in accordance with the policy would not be viable, a reduced level of provision may be accepted, or failing that, a financial contribution towards provision off-site will be required. The proposed scheme proposes 0% affordable housing on site and viability information has been submitted in support of this. The viability study considers a policy compliant scheme of 40% affordable housing and finds the scheme unviable. The study also considers an alternative scheme of 0% affordable housing and finds the scheme viable. In line with the Affordable Housing SPD it is expected that the submitted viability study should be tested by an independent valuer. Consideration should also be given to the viability of a scheme with a reduced affordable housing, rather than only considering a policy compliant scheme or no contribution".

22 Urban Design Officer

The applicant has submitted an appropriate level of information to make an assessment on the building. I welcome the approach of the applicant in addressing Policy SP1 of 'new development should be designed to a high quality...create a safe, inclusive, attractive environments...incorporate principles of sustainable development and maintain and enhance biodiversity.'

Some clarifications and minor alterations are required for the proposed detailing of the landscaped area at the rear of the building. The following details could be conditioned:

Landscaping strategy - details for native tree proposed and plan/section view of tree pit system proposed, planting scheme for soft landscaping and material palette for permeable paving for the communal garden.

Minor alterations:

Recommend moving the pathway for the private terrace/defensible space area for the ground floor flat, so it is not directly aligned in front of the bedroom window. This is to provide privacy from the communal seating area and the bedroom window". (This could be dealt with by way of an informative).

23 Thames Water- (summary)

No objection raised with regard to Waste Water Network and Sewage Treatment Works infrastructure capacity. If the developer follows the sequential approach to the disposal of water, there would be no objection with regard to surface water drainage. Discharge of water into a public sewer will require approval from Thames Water.

No objection is raised with regard to water network and water treatment infrastructure capacity.

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Informatives providing advice to the applicant are requested.

24 South East Coast Ambulance Service NHS

No objection to the proposal.

25 Kent Police (In summary)

“Secured by Design (SBD) is the UK Police flagship initiative. To meet physical requirements SBD requires door sets and windows to be certified by an approved independent third-party certification. Achieving these standards has been responsible for consistently high reductions in crime. They confirm they met with applicant at pre-planning stage to go through the design. The majority of the concerns raised have been addressed within the final design.

I would note that clarification is sought regarding some points (eg. doors and windows meeting certain standards). I consider these could be satisfactorily addressed through use of conditions.

26 KCC Lead Local Flood Authority (In summary)

“Having reviewed the information submitted we are generally satisfied with the principles proposed for dealing with surface water, namely through attenuation and infiltration into the ground.

We would emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.

If the LPA are minded to grant approval, a number of conditions are recommended.

Representations

27 Five representations have been received raising the following objections:

- Road network incapable of handling additional traffic;
- Impact upon air pollution from increased traffic;
- Design and materials out of keeping with the street scene;
- Lack of affordable / social housing;
- Insufficient parking;
- Lack of school places.

Three representations have been received expressing the following support for the proposals:

- Like modern and multi-functional design;
- Applaud the Council for the positive intention to use this asset and welcomes exciting design.

One representation has been received neither supporting nor objecting.

Chief Planning Officer's appraisal

28 The main planning considerations are:

- The principle of the redevelopment;
- Housing Density and housing type;
- Provision of affordable housing;
- Design and impact on the character of the area;
- Residential amenity;
- Highways and parking;
- Landscaping/Ecology;
- Flood risk and drainage;
- Noise and air quality.

Principle of the Redevelopment

29 The site is located within Swanley "Town Centre", with the ground floor identified as a secondary shopping frontage. However, as set out in the site description above, whilst there was previously a retail use of part of the premises, the primary use appears to have been as a drop-in centre, with the upper floors ancillary or vacant. In any event the property has remained vacant for a considerable time, at least prior to the submission of the successful application for the re-development of the site in 2015.

30 Policy L01 of the Council's Core Strategy explains that development will be focused within the built confines of existing settlements. Swanley will be the secondary focus for development with the emphasis on maintaining and enhancing its role and promoting regeneration to meet the needs of the local community in accordance with policies L04 and L05.

31 Policy L04 states that "...The local economy will be sustained through the regeneration and redevelopment of existing suitable employment sites to better meet the needs of business and through the allocation of additional land not in the Green Belt for employment purposes adjoining the M25."

32 The supporting text to L05 (Swanley Town Centre), para 4.3.20 states:

"The regeneration of the centre would help retain expenditure and the economic prosperity of the town, strengthen the social function of the centre as the meeting place of the town and enhance the environment and image of the place. In these ways, the enhancement of the centre can act as a catalyst for enhancing the town."

- 33 In summary, policy L05 explains that Swanley Town Centre will be regenerated with a mix of uses including retail, offices, residential and community facilities.
- 34 Policy TLC2 of the ADMP relates to Swanley Town Centre. This site is located within north-eastern edge. There is generally a need to increase the attractiveness of the centre, with regeneration schemes to include a mix of uses. With regard to this specific site, the policy seeks to maintain an active frontage and range of uses within Secondary Retail Frontages.
- 35 This policy also states that within Swanley Town Centre, residential, business, leisure, entertainment, arts, culture, tourism or community facility uses will be permitted where consistent with maintaining the functioning of ground floor use.
- 36 In addition, within Secondary Frontage, 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. Ground floor uses will be maintained except where evidence is provided by the applicant to show that these uses are no longer financially viable...in such circumstances, non-residential town centre uses at ground floor level would be permitted.”
- 37 In this instance, it is important to note two points. Firstly, that the retail use does not appear to have been the primary use of the premises and, secondly, the premises has in any event been vacant for a considerable time, despite already gaining permission for redevelopment. In addition, I consider the existing internal layout to be a particularly cluttered and inefficient one, which does not lend itself readily to re-use.
- 38 Most importantly, it is clear that the relevant policies support regeneration / redevelopment of sites where they would provide a mix of uses and maintain an active frontage in some form of commercial use, which these proposals would.
- 39 In addition, paragraph 117 of the NPPF states that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses.
- 40 Paragraph 118 states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. It also supports opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties.
- 41 Local plan policies are consistent with this approach. In the circumstances, no objection is raised to the provision of upper floor residential accommodation above ground floor commercial uses in principle.

- 42 The proposed business use of the ground floor is 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.
- 43 I therefore consider re-development of the site along the lines proposed would be acceptable in principle, subject to meeting other material considerations as set out below.

Housing density and housing type

- 44 Paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 45 Policy SP5 of the Core Strategy seeks the inclusion of small units (less than three bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. The proposed scheme is for 12x1 bedroom apartments and 5x2 bedroom apartments, and therefore, aligns with this policy. In addition, the Local Housing Needs Study 2017 which forms part of the evidence for the emerging local plan shows that the existing stock in the North West of the District does not meet market aspirations for 2 bed flats/apartments, and does not meet market expectations for 1 & 2 bed flat/apartments.
- 46 Policy SP7 states that within Swanley town centre development will be expected to achieve a density of 75dph. However, it is recognised that land within urban settlements should be used efficiently in line with the NPPF, and this is reflected in the emerging local plan policy. It is also noted that a recent planning permission for the Swanley Centre was granted on appeal for higher density than surrounding development. Given the position of the site in the town centre, in a sustainable location, optimising density is encouraged.
- 47 While the mix is heavily orientated around smaller units, I do not consider the site best suited for family accommodation.
- 48 Therefore I consider the proposed mix to be acceptable and to be policy compliant.

Provision of affordable housing

- 49 Local Plan policy SP3 would require the provision of 40% affordable housing on site (7 units). However, 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.
- 50 Because the proposals do not include an affordable housing contribution, the application has been supported by a financial viability report prepared by Savills. This document is publically available in line with current National Planning Practice Guidance. This concludes that the proposals cannot afford any affordable housing contribution.

- 51 Paragraph 57 of the NPPF states that all viability assessments should be reflect the recommended approach in National Planning Policy Guidance. In turn, the NPPG states that any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.
- 52 Independent viability consultants, Adams Integra have assessed the applicant's report on behalf of the Planning Department. They have undertaken a robust review of the scheme in accordance with current Government guidance, including current National Planning Policy Guidance and have undertaken their own research of local market conditions.
- 53 This has included assessing whether any key revenue assumptions (such as built costs, fees, marketing costs and sales values) have been under or over estimated. Adams Integra agree with the approach taken by the applicant and agree the majority of assumptions, although Adams have taken a slightly more detailed approach in order to distinguish between the profitability of the open market units, commercial units and affordable housing. Nevertheless, the majority of assumptions are agreed and this more detailed analysis does not alter the main conclusions of the report.
- 54 In summary, Adams conclude that when assessed against the relevant criteria, the scheme is not able to provide any affordable housing either on site or as an off-site contribution.
- 55 On this basis it is accepted that the scheme is unable to provide an affordable housing contribution. This amounts to the exceptional circumstances permitted by policy SP3 of the Core Strategy.

Design and impact on the character of the area

- 56 The NPPF explains that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 explains that planning policies and decisions should ensure, amongst other things, that development will add to the quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to the surrounding built environment whilst not preventing or discouraging appropriate innovation or change (such as increased densities) and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 57 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP states 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.
- 58 The proposals have been subject to pre-application discussions, with the Council's Design Officer also providing input.
- 59 As described briefly above, it is proposed to demolish the existing building and erect a 3 storey, flat roof building with an "L" shaped footprint. The ground floor would comprise a large, business hub with glazing presenting active frontage to the street. To the rear at ground floor, would be a 2 bed

flat with a private terrace. The 2 floors above would provide a mix of 16no. 1 and 2 bed units. Those on the first floor would have private balcony space with the 2nd floor having either private balconies or, as the upper floor is recessed from the frontage, a terrace to the front.

- 60 The flats are designed to be highly sustainable and provide excellent thermal efficiency and ventilation and the proposals include use of photovoltaic panels, individual Air Source Heat Pumps, mechanical ventilation heat recovery and underfloor heating, high levels of insulation and to meet nationally described space standards.
- 61 To prevent overheating, the first floor balconies are recessed, with *brise soleil* to provide sun shade to the south-west facing front windows. To address potential overheating and noise from the main road, a series of acoustically attenuated openable panels are proposed to the front units to reduce noise levels. The proposals have been designed to meet Secure By Design requirements and have been subject to discussions with Kent Police in this regard.
- 62 The approach along London Road into Swanley largely comprises 2 storey form, initially with wide grass verges. However, there is a change in form and scale as the High Street is reached. Though the properties immediately either side are 2 storey in form, there are others in the same immediate stretch of road which are significantly larger. For example, no.45-47 comprises a large, modern, flat roof, 3 storey block prominently located on the corner of the High Street and Park Road and fronting the roundabout with Goldsel Road. Similarly nos.1-5 comprise a single large block of 3 storey buildings with flat roof.
- 63 Furthermore, many of the buildings have unattractive frontages and some appear run-down. Many of the adjacent properties on this side of the road have large, ungainly and unattractive rear projections, with car parking to the rear, including no.23-25 and the application site itself. This creates a very cluttered and unattractive appearance to the rear of these properties. Whilst the existing building reflects the 2 storey scale of its immediate neighbours, I do not consider its design or form to be of particular merit.
- 64 Further to the west of the site, across the road are 2 storey buildings, with properties in Bevan Place comprising 3 storey flatted blocks. Directly opposite the site is an extensive open car park area. This is allocated in the local plan for high density housing. Immediately to the rear of the site is The Grove Industrial Estate, and beyond, the Park Road Industrial Estate.
- 65 Thus, in my view, the context of the site is a varied one.
- 66 Turning to the proposed building, whilst it would have a large footprint, it would be little different to that existing, although with a different layout (“L” shaped form). As mentioned above, many of the neighbouring buildings have frontages with deep rear projections. I have no objection to the parking at the rear (and note it is already laid out for this purpose), the retention of the existing vehicular access, or the formalisation of the rear and flank boundaries by a 2.1m high brick wall. I consider the layout and footprint would reflect the prevailing character in the immediate locality.

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- 67 With regard to height and scale, there is no question that the building would be taller than the immediate neighbours (by approximately 1m). However, the upper floor would be set back, and together with the flat roof design (behind parapet), this would help reduce the apparent height, scale and visual impact of the building within the street scene. One of the features of the street scene which helps to break up the long run of buildings along this frontage is the strong vertical emphasis formed by the individual units and their shop fronts. The proposals have been carefully designed to reflect vertical rhythm of the street scene and the relationship between the hard brick and softer glazing, and careful positioning of the entrances and balconies, helps define this. In light of these factors, I consider the height of the building to be acceptable.
- 68 There is no question that the overall scale of the proposed building would be substantial. This would be most evident on the return elevations. However, views of the flanks would be limited and seen within the wider context of surrounding built form, including 3 storey buildings on the High Street frontage. The scale would also be evident from the rear but from such vantage points, set within its context, I consider the building would be compatible with the scale of neighbouring built form, including the larger industrial units to the rear.
- 69 Materials have been carefully chosen to present a light finish, with predominantly brick at ground and first floor, with contrasting brick detailing and light coloured aluminium balconies, with the recessed upper storey finished in soft grey fibre cement cladding. I consider the proposals represent a high quality design, which would considerably enhance the appearance of the street scene. I also consider the frontage design, and introduction of amenity space with new soft landscaping to the rear with the ability to view it through the front of the building, to provide an interesting and active frontage, which would contribute to the vibrancy of this town centre.
- 70 In conclusion, I consider the proposals provide a unique opportunity to provide a high quality, sustainable development which would maximise the development potential of this brownfield site, in line with Government advice and local plan policy.

Residential Amenity

- 71 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 72 Paragraph 123 c) of the NPPF also states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the site resulting scheme would provide acceptable living standards).

- 73 The applicant has provided daylight and sunlight assessments which analyses the impact of the development both on the application site and neighbouring buildings in line with accepted BRE methodology and guidance. The proposed residential units are also proposed to meet national housing standards (size of rooms etc.). Proposals to address road noise and provide suitable ventilation (eg. acoustic ventilation panels) are proposed.
- 74 Whilst the location of the proposed residential units close to the town centre may make them susceptible to higher levels of noise and disturbance from adjoining commercial units, I do not consider such levels would be prohibitive and consider the advantages of living in such a sustainable location would outweigh any such disadvantages. It is possible that the use of the ground floor business hub, and associated use of the car park could result in noise and disturbance, but this could be adequately controlled through use of a condition to control the hours of operation. In the circumstances, I am satisfied that the proposals will result in acceptable living conditions for potential occupiers.
- 75 The application seeks a large “L” shaped building with 3 storeys of accommodation, with the “L” shaped return “wing” extending the full depth adjacent to no.23-25 and a further 6m to the rear.
- 76 With regard to the impact on the occupiers of neighbouring properties, those most affected are no.23-25 High Street, which is located to the north-west and no.39 which adjoins the site to the south-east.
- 77 Turning to the impact on no.23-25, this 2 storey property is in use as a restaurant. It has a 2 storey, flat roof, front projection (aligning with the front of the application site) and a very deep, two-storey, rear projection with blank flank elevation. Whilst there may be an element of residential accommodation at upper level, the rear windows appear to serve the commercial premises at ground floor and those at upper level are permanently boarded over
- 78 In the particular circumstances, I consider the impact on the amenities of the occupiers of this property would be limited and would be acceptable.
- 79 Turning to the impact on no.39, the application site has an unusual relationship as it slightly “wraps” around the rear of no.39 at ground floor level, by way of an extensive, unsightly, single storey extension approximately 4.5m high, which defines the boundary line. This property is in commercial use at ground floor, but appears to have flats at upper level. As proposed, the eastern flank would be moved back from the rear of no.39, with the boundary defined by a 2.1m high close boarded fence, beyond which would be cycle parking with the car park beyond. I consider this would marginally benefit the outlook from the rear of no.39.
- 80 Balanced against this, is the potential impact of the extensive 3 storey south-eastern flank of the proposed building. Whilst at ground floor, the proposed building would extend only approximately 4.5m beyond the rear extension to no.39, the projection relative to the upper level would be considerably more.

- 81 From upper floor windows of no.39, the blank flank wall proposed would be a prominent and unneighbourly feature. However, bearing in mind the precise siting and orientation of the buildings, the loss of light to the upper floor rear windows of no.39 would not be significant. I consider this important, because whilst the flank wall may appear imposing, unrestricted outlook directly to the rear would be retained and, in the round, I consider the overall impact on the living conditions of no.39 would ensure an acceptable living standard. I therefore consider the potential harm to the occupiers of no.39 should be carefully weighed against any overall benefits in favour of the proposals.
- 82 The properties further to the east (no.41-43) are in commercial use. Whilst they have windows facing towards the development, they are set sufficient distance away not be directly affected. The building directly to the rear of the site is an industrial unit. Because of the precise siting and relationship between the proposed buildings, I do not consider this property would be significantly impacted by the proposals. There are no properties across the road to the front.
- 83 In the circumstances, I consider the impact on the majority of neighbouring occupiers to be acceptable. Whilst there would inevitably be some impact on the adjoining property, no.39, I do not believe the level of harm would be significant.
- 84 In light of the above, I consider the proposals to be acceptable and to be compliant with policy EN2 of the ADMP.

Highways and parking

- 85 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T1 seeks to mitigate travel impact.
- 86 Policy T2 relates to vehicle parking. Residential parking should meet set standards and non-residential parking should be made in accordance with the Local Highway Authority. The policy also states that the Council may depart from established maxima or minima standards to, amongst other reasons, take account of specific local circumstances that may require higher or lower level of parking provision, including as a site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems.
- 87 The location of the site is highly sustainable. It is within close walking distance to shops and facilities and public transport in the form of buses and the rail station. The thrust of national and local plan policy is to maximise the development potential of such sites.
- 88 Parking to the rear of the site will accommodate 9 spaces; 4 for the business hub and 5 for the flats, with electric vehicle charging points. Secure cycle parking is provided for 24 bicycles.
- 89 The adopted parking standards contained within Appendix 2 of the ADMP require that 1 and 2 bedroom flats in a town centre location should have a *maximum* of 1 space per unit. In line with paragraph 106 of the NPPF, it states

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that a lesser provision, or even nil provision, is encouraged to support demand management and the most efficient use of land.

- 90 It is also 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.”
- 91 KCC as Highways Authority have reviewed the proposals and accepted the proposed parking level on the basis of the sustainable location of the site. They recommend a Parking Management Plan be required as a condition to ensure the parking spaces are managed in an acceptable way. Subject to several conditions, they raise no objections to the proposals on parking or highway safety grounds. The provision of 24 secure cycle parking spaces are proposed within the car parking area is welcomed.
- 92 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.
- 93 Whilst I note local concern regarding under provision of parking, the approach taken is entirely consistent with Government guidance and local plan policy. In light of the above, I consider the proposals to be policy compliant.

Trees and ecology

- 94 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.
- 95 The site is currently entirely covered by built form or hard surfacing.
- 96 The proposals include the provision of a communal garden with new planting beds and tree planting, details and the provision of which can be suitable controlled by Conditions.
- 97 This would represent a considerable enhancement on the existing site.

Flood risk and drainage

- 98 The application is supported by a Flood Risk Statement and Surface Water Management (Suds) Report.
- 99 The site lies within Flood Zone 1 which has a low probability of flooding. The Lead Local Flood Authority have reviewed the information submitted and raise no objection to the proposals subject to several conditions.
- 100 Thames Water have also been consulted and raised no objections to the proposals.

Noise and air quality

- 101 The site is located on the main road into Swanley (B2173) and suffers from heavy traffic flow, resulting in both potential noise and resulting in its inclusion within an Air Quality Management Area.
- 102 The application is supported by an Environmental Noise Survey and Acoustic Design Statement. In summary, this concludes that a suitable internal environment can be achieved by use of conventional double glazing, with suitable conventional ventilation. An Air Quality Assessment has also been submitted. Mechanical ventilation is recommended for the business hub to minimise exposure to poor air quality. The residential units are predicted to fall well within air quality objectives.
- 103 Environmental Health have examined the proposals. They are satisfied that the noise assessment has demonstrated that the site could be suitable for residential occupation and recommend a Condition to secure details of this. They have also reviewed the air quality assessment and recognise that mechanical ventilation would be required to protect the health of ground floor (business hub) users. This again can be subject to a suitable Condition.
- 104 In light of the above, I consider the proposals would represent an acceptable form of development.

Conclusion and Planning Balance

- 105 For the reasons discussed above, it is considered that the proposals are compliant with the relevant policies of the development plan.
- 106 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.
- 107 The proposed development would include the provision of an appropriate mix of new residential units in a sustainable town centre location that would contribute to the District's housing stock.
- 108 The proposals comply with highway requirements. The impact on the amenities of adjoining residential occupiers would not be significant and would in my view, be clearly outweighed by the advantages of the scheme and the provision of much needed residential accommodation. The proposed soft landscaping would represent a clear enhancement on this constrained urban site. The ground floor level business hub would also contribute positively to the active frontage of the street.
- 109 Overall it is considered that the proposals would be acceptable and to wholly accord with Development Plan policies.

Background papers

Site and block plan

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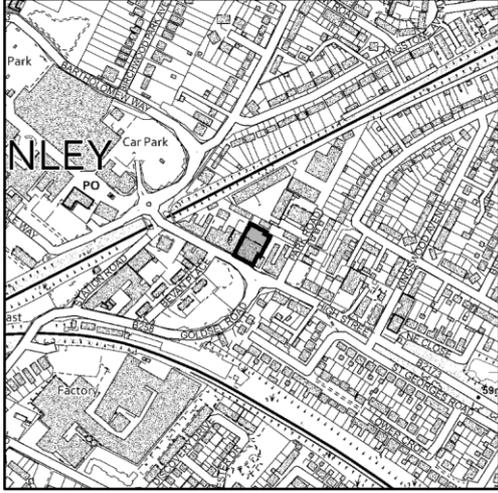
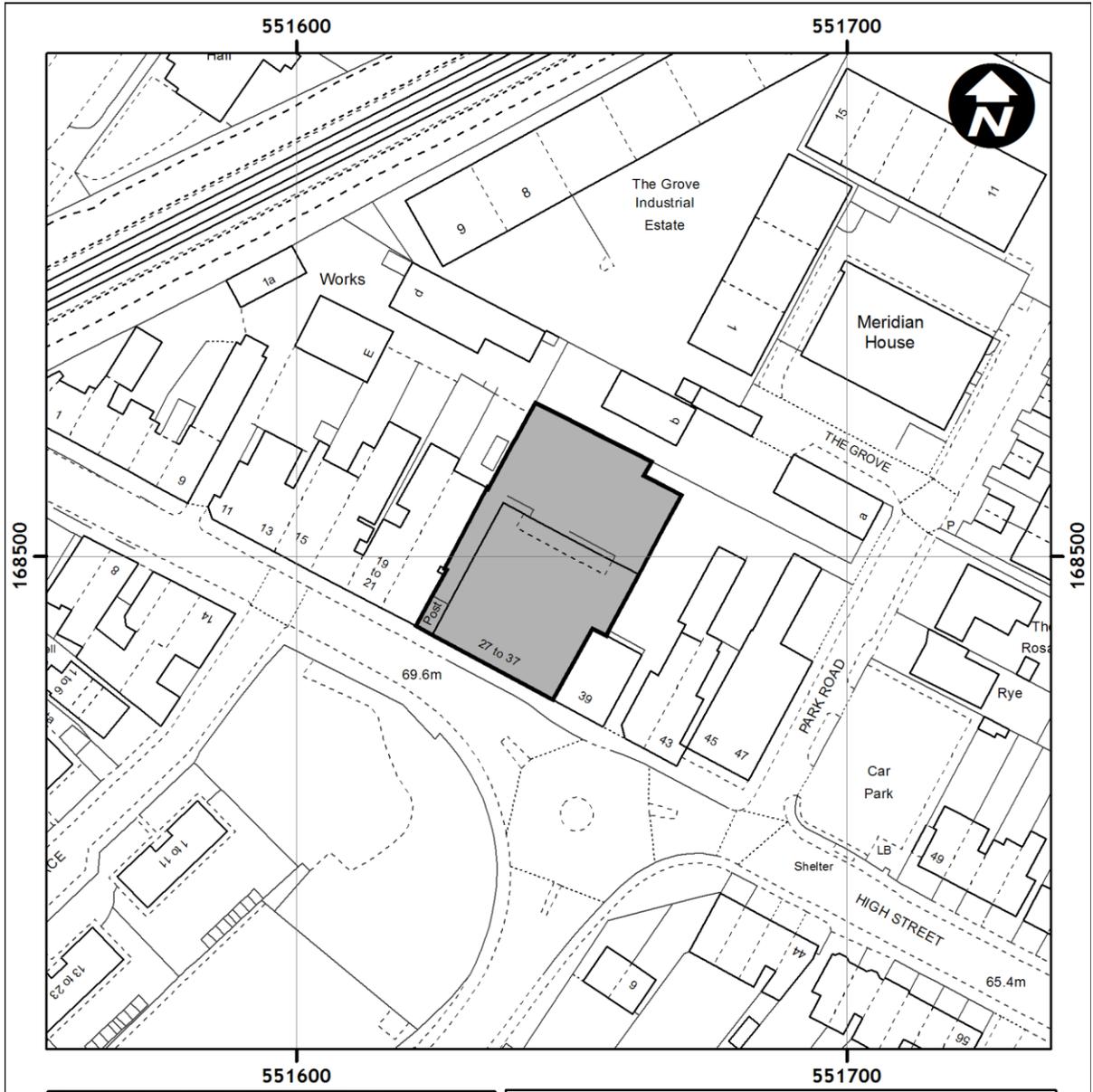
Richard Morris
Chief Planning Officer

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=Q2TLRGBKLY500>



Site Plan

Scale 1:1,250
 Date 24/04/2020



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