

4.1 19/01338/FUL

Revised expiry date 22 November 2019

Proposal:

Demolition of garages to provide 4 no. 2 bedroom houses.

Location:

20 Kettlewell Court, Swanley, KENT BR8 7BP

Ward(s):

Swanley White Oak

Item for decision

This application has been called to the Development Control Committee by Councillor Mrs Darrington on the grounds that the proposal would impact the character and appearance of the area, parking provision, highways safety, residential amenity and access for those with disabilities.

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: 18863-PL-00, 18863-PL-01 Rev.A, 18863-PL-02, 18863-PL-03 and 18863-PL-S-01 Rev.D.

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

3) Prior to the commencement of the works to erect the new dwellings hereby approved, full details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials

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

4) Prior to the completion of the development, full details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Those details shall include:- hard landscaping plans (identifying the finishing materials of areas of hard landscaping and details of all fencing);- planting plans (identifying existing planting, plants to be retained and new planting);- a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities);- full details of all proposed boundary treatment; and- measures incorporated into the development to enhance the biodiversity of the site. The approved details shall be carried out prior to the first

(Item No 4.1)

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

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

5) The window(s) in the first floor side facing elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

6) The proposed communal parking area shall be provided in accordance with the approved plan 18863-PL-S-01 Rev.D and retained thereafter without obstruction to vehicular access to the parking area. The parking spaces shall be unallocated for use by both new residents of the development and existing residents.

To ensure a permanent retention of vehicle parking for the development and in the interest of highway safety as supported by policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

7) Prior to first occupation of the new dwellings hereby approved, at least one electrical charging point for the safe charging of electric vehicles shall be provided and maintained within the communal parking area for the development.

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

8) Prior to the commencement of development on the site, a detailed construction management plan shall be submitted to and approved in writing by the local planning authority. The construction management plan shall include such matters as storage of materials, turning of delivery vehicles, parking for operatives, wheel washing, times of operation/construction works and details of delivery arrangements. The development shall be carried out in accordance with the approved construction management plan.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to the completion of the development, full details of refuse storage for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

To safeguard the character and appearance of the area and to preserve highway safety in accordance with policy EN1 of the Sevenoaks District Allocations and

Development Management Plan.

10) Prior to the completion of the development full details of the shed/cycle stores indicated on the approved plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

To safeguard the residential amenity of nearby residents in accordance with policy EN2 of the Sevenoaks District Allocations and Development Management Plan.

11) Notwithstanding the details on the approved plans, prior to the completion of the development full details of a ramp to provide access for all to the south-east corner of the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter.

To ensure that the development provides access for all in accordance with policy EN1 of the Sevenoaks District allocations and Development Management Plan.

12) Prior to the installation of external lighting within the application site, full details of the external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

Informatives

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

2) 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 for further details.

3) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

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 a roughly rectangular shaped plot located to the eastern end of Kettlewell Court. Within the site, three blocks of lock up garages, totalling 25 garages, line the northern and southern boundaries of the plot. The garages are served by an area of hardstanding that divides the two rows of garages.
- 2 The site is surrounded by existing residential development to the north and south. To the east lies a footpath and a row of mature trees and hedging, and to the west the access to the site opens out onto the highway.
- 3 The levels of the site rise gently from west to east and the properties to the south are sited upon a raised ground level.

Description of proposal

- 4 The application seeks approval for the demolition of the existing lock up garages and the erection of a terrace of four houses. The dwellings would be two storeys in height and would provide two bedrooms within each unit.
- 5 The terrace building would be traditional in design, having a dual-pitched roof, gable ends and being finished in a slate tiled roof, brickwork and tile hanging to the front elevation at first floor level.
- 6 Each dwelling would be provided with a rear amenity area and to the front of the site twelve parking spaces would be provided, including two disabled bays. Access to the footpath to the rear of the site would be maintained adjacent to the southern boundary of the site.
- 7 The applicants indicate that the new dwellings are intended to be available to the local affordable housing market.

Relevant planning history

- 8 17/03275/FUL Demolition of lock up garages to provide 3 no. 2 bedroom houses - Withdrawn.

Policies

- 9 National Planning Policy Framework (NPPF)
- 10 Core Strategy (CS)
 - LO1 Distribution of Development
 - LO4 Development in Swanley
 - SP1 Design of New Development
 - SP5 Housing Size and Type
 - SP7 Density of Housing Development
 - SP11 Biodiversity

11 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

Constraints

12 The site lies within the following constraints -

- Urban confines of Swanley
- Source Protection Zone 3

Consultations

13 Swanley Town Council -

Objection and reasons:

- Severe parking issues
- Excessively cramped housing development
- No consideration of the existing residents
- Not wheelchair friendly
- Severely restricted emergency vehicles access
- Residents will have to carry refuse 65 metres to a collection point
- Encroachment on Public right of way

14 KCC Highways -

15 “The updated Transport Statement dated September 2019 provides the results of the parking survey carried out for this proposed site together with the similar nearby sites. It demonstrates that there is an apparent demand for 5 cars which park in front of the existing garages. Whilst it states that 5 of the existing garages are currently let, there is no indication that these garages are being used for the parking of cars. It therefore must be assumed that either at the times of the surveys that any cars parked in the garages were not used, or that they are used for other purposes e.g. storage. It is also noted that the existing garage tenants are being offered garages elsewhere so it can be assumed that any cars parked in garages do not need to be taken into account in the assessment. In the absence of any other clear and quantifiable evidence I can only accept the findings of the parking survey.

16 In accordance with KCC Residential Parking Standards (IGN3) a maximum of 1 space should be provided for a 2-bed property in an "edge of centre"

(Item No 4.1)

location. A total of 12 spaces is proposed within the car parking area, which when the 4 for the new dwellings is subtracted, leaves 8 spaces available to accommodate the 5 existing displaced cars parked in the garage court. I can therefore only conclude that there can be no reason to object to the parking provision provided given the evidence provided. This is also on the assumption that all of the new residents are car owners which, given the relatively sustainable location of the site within walking / cycling distance of the town centre and with bus services available nearby, may not necessarily be the case. It will however compensate for any dwelling occupants that own more than one car.

- 17 I would, however, recommend that the proposed parking area is unallocated to either new residents or existing residents in order to maintain a degree of flexibility. This can be achieved by an appropriate condition.
- 18 In terms of additional traffic generation from the 4 new houses, this is not likely to be significant compared with existing traffic flows and is therefore not a reason for objection on highway grounds.
- 19 I would also recommend that a condition be applied to any consent granted that a Construction Management Plan should be submitted and approved prior to any works commencing covering such issues as storage of materials, turning of delivery vehicles, parking for operatives and wheel washing.
- 20 In conclusion, therefore, I raise no objection to this application on highway grounds, subject to the car park and Construction Management Plan Conditions recommended above.”
- 21 Sevenoaks District Council Direct Services Recycling Co-ordinator
“It is not clear where the waste will be collected from. Will this be from the front of each property or will there be a communal ‘Waste Presentation Point’? Will anything be done on the access road so the waste collection vehicle can safely access the site?”

Representations

- 22 We received 40 letters of objection relating to the following issues:
 - Lack of parking, including for those with disabilities and for existing residents
 - Overlooking and loss of privacy
 - Cramped development
 - Noise levels
 - Access for emergency vehicles
 - Out of date and quality of the submitted parking survey
 - Creation of alleyways and crime
 - Limited local bus service
 - This is another application from West Kent Housing Association
 - Previous application refused with no changes being made here to improve the submission
 - Density

- Access for disabled residents
- Impact of parked vehicles on highways safety
- Alternative sites for housing
- Lighting within the area
- Increase in traffic movements
- Impact of the construction phase on parking and highways safety
- Impact on drainage
- Usability and affordability of the existing garages
- The methodology of the parking survey carried out
- Loss of trees

Chief Officer Planning & Regulatory Services appraisal

23 The main planning consideration are:

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

24 Principle of the development

25 The site falls within the built confines of Swanley and so policies LO1 and LO4 of the Core Strategy apply. These policies advise that development will be focused within the built confines of existing settlements, with provision in Swanley for approximately 660 residential dwellings throughout the town on a range of sites in the urban area.

26 The site is suited to accommodate additional residential development given the fact that site is previously developed land, sited adjacent to existing residential development and it is located close to the services offered within Swanley Town Centre.

27 The proposal therefore complies with policies LO1 and LO4 and the principle of the development is one that can be accepted provided the development complies with all other relevant policies.

28 Parking provision and impact on highways safety

29 Paragraph 109 of the NPPF states that development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

30 Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

- 31 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health.
- 32 Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority.
- 33 Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 34 It is proposed to retain a vehicular access to the site, central to the front boundary of the plot. Pedestrian access is proposed to be provided to either side of the parking area to the front of the site, linking to the new dwellings and the existing surrounding residential development.
- 35 The development would provide twelve parking spaces, including two disabled parking spaces.
- 36 For a development of four, two bedroomed houses in this location, four vehicle parking spaces are required. This leaves eight parking spaces as surplus, which can be used by local residents.
- 37 The applicant has demonstrated that five of the existing garages are currently let (20% occupation rate). The additional eight spaces would therefore provide for those who currently use the garages and three additional vehicles. This would serve to ease the pressure on the parking that currently occurs on the street.
- 38 KCC Highways has considered the submission and concluded that the scheme would be acceptable provided the vehicle parking spaces are unallocated to either new residents or existing residents in order to maintain a degree of flexibility. To control this, an appropriate planning condition can be imposed. A construction management plan is also requested, to ensure that the construction phase does not impact highways safety. This can be secured by condition on any grant of planning permission.
- 39 It is also accepted that the additional traffic generation from the four new houses is unlikely to be significant compared with existing traffic flows and is therefore not a reason for objection on highway grounds. Any increase in traffic movements would be not severe or result in significantly harmful highway conditions.
- 40 Our Direct Services Recycling Co-ordinator, has raised the matter of refuse storage and collection. However, further details of this can be required by way of condition.
- 41 Local residents have expressed concern that the submitted parking survey is out of date and incorrectly carried out. The applicant has since updated the parking survey and provided the methodology for carrying out the updated survey. The County Highways Development Planner has taken account of the findings of the parking survey and the methodology and found both to be wholly acceptable.

- 42 The site is also approximately half a mile from Swanley Town Centre, and the services and facilities it provides. The use the local bus service is therefore the choice of the individual rather than it being a necessity. Moreover, the site is less than 1km of the Town Centre, within walking distance, so the development would not be wholly reliant on private car use/ownership.
- 43 In terms of any potential impact on access for emergency vehicles, the proposal does not result in any changes to the public highway. In addition, and as noted above, the development would provide parking for an additional three vehicles, which would have the effect of potentially relieving the pressures of the on-street parking situation. The development would therefore have no greater effect on the ability for emergency vehicles to enter the street compared with the existing situation.
- 44 Finally, further details of appropriate vehicle charging points can be requested by way of condition.
- 45 Overall, the development would preserve highway safety and would provide sufficient parking in accordance with the NPPF and policies EN1, T2 and T3 of the ADMP.
- 46 **Design and impact on the character and appearance of the area**
- 47 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.
- 48 The application site comprises blocks of lock up garages and an area of hardstanding that divides the two rows of garages. Surrounding the site to the north, south and west are terraced residential properties, all two storeys in height.
- 49 The existing site possesses no architectural merit, and it could even be argued that the existing garages detract from the character and appearance of the area. The redevelopment of the site to provide new dwellings, therefore, represents a significant improvement on the visual appearance of the locality.
- 50 The proposal includes the erection of a terrace of four houses, each two storeys in height, with the proposed parking area to their frontage. The dwellings would have pitched roofs with gabled ends to both flanks of the building. The properties would be set adjacent to and parallel with 20 Kettlewell Court to the north of the site.
- 51 The principle of the mix of buildings proposed is considered acceptable. The buildings would be designed and finished to respect and complement the prevailing residential character of the area, which is mainly comprised of terraced properties.
- 52 The layout of the development would respect the site, providing appropriate spacing within the development and between the development and the surrounding properties. In terms of the density of the development,

the density of development locally is approximately 38 dwellings per hectare. The density of the proposed development would be 48 dwellings per hectare. This meets the requirements of policy SP7 of the Core Strategy in that the development achieves a density of 40 dwellings per hectare. As such, it is not considered that the development would appear cramped within the context of the street scene or an over intensification of built form within the site.

- 53 Overall, the proposal would be of an acceptable design that would respect the character and appearance of the area. As such, the proposals are considered to be in accordance with the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.
- 54 **Impact on residential amenity**
- 55 Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties and would provide adequate residential amenities for future occupiers of the development.
- 56 Due to the prevailing residential character of the area, the development would not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements.
- 57 The introduction of built form of greater bulk, mass and form than the existing garages has the potential to impact on daylight and sunlight, outlook and privacy of the surrounding properties to the site.
- 58 These neighbouring properties include 20 Kettlewell Court to the north and 14-22 Northview to the south. All other nearby properties would be at a sufficient distance away from the proposed development to ensure that the amenities of the occupiers of these properties would be safeguarded. This includes 8-10 Kettlewell Court to the west and 24 Northview to the south-west.
- 59 20 Kettlewell Court is an end of terrace property, two storey in design and situated on a slightly lower level to the application site. The development would be sited to the south of 20 Kettlewell Court.
- 60 20 Kettlewell Court does not possess any side facing windows that would face onto the site. This neighbouring house does possess rear facing windows adjacent to the shared boundary with the site. In applying the 45 degree angle test, the development would pass in elevation. Therefore, whilst there would be some loss sunlight, this would not be a detrimental loss and the level of daylight received by this neighbouring property would remain at an acceptable level.
- 61 Due to the proposed relationship, the outlook from the front and rear facing windows would not be impeded by the development. A reasonable outlook from the rear amenity area of 20 Kettlewell Court would also be retained.
- 62 The northern end of the proposed terrace property would possess front and rear facing bedroom windows at first floor level. However, no outlook from

these windows towards 20 Kettlewell Court would be available to future occupiers. A first floor side facing window is proposed to face towards 20 Kettlewell. However, this window would serve a bathroom and so could be controlled by an obscure glazing condition. No overlooking or loss of privacy would therefore occur to the occupiers of 20 Kettlewell Court.

- 63 14-22 Northview is a terrace of two storey properties on a raised level to the application site.
- 64 The development would be sited a minimum of approximately 12m to the north of the Nos.14 & 16 Northview, increasing to those properties further to the west, and due to the separation distance and orientation of the proposed development would not cause a detrimental loss of daylight or sunlight to the occupiers of 14-22 Northview.
- 65 The neighbouring terrace of properties possess rear and side facing windows that would face onto the site. However, outlook from these windows would not be impeded by the development due to the proposed relationship and the distances of separation retained. A reasonable outlook from the rear amenity areas of 14-22 Northview would also be retained.
- 66 The southern end of terrace property would possess front and rear facing bedroom windows at first floor level. Where outlook from these windows towards 14-22 Northview would not be oblique, the distance of separation to the neighbouring properties is comfortable given this urban location. A first floor side facing window is proposed to face towards the adjacent terrace. However, this window would serve a bathroom and so could be controlled by way of condition. As such, no overlooking or loss of privacy would therefore occur to the occupiers of 14-22 Northview.
- 67 The future occupiers of the development would generally be provided with adequate residential amenities for future occupiers. One potential issue is the relationship between 14 Northview and the southern end of terrace property. This is a close relationship but it is not unusual for an urban area such as this.
- 68 Overall, it is considered that the development would safeguard residential amenity in compliance with the NPPF and policy EN2 of the ADMP.
- 69 **Trees, landscaping and biodiversity**
- 70 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity. Policy EN1 of the ADMP states that trees should be incorporated into the layout of development.
- 71 The site currently possesses no trees of importance and so none would be lost. The development provides an opportunity to improve the current situation with regards the landscaping of the site. Details of this can be secured by way of condition.
- 72 Ecological enhancements can also be sought by way of condition to ensure that there is an ecological gain.

73 Therefore, the development would be in accordance with the NPPF and policy SP11 of the Core Strategy and policy EN1 of the ADMP.

Other issues

74 The comments received from the Town Council and local residents include a number of matters not yet addressed above but will be considered below.

75 No public right of way crosses the site or lies adjacent to the site, meaning no encroachment would occur.

76 Those footpaths and alleyways created, both within the site and outside of it, would benefit from natural surveillance from the existing properties and the proposed units. This would serve to deter crime in the local area.

77 How the development is proposed to be lit can be controlled by way of condition.

78 We have no control over the number of applications made by the applicant, or indeed any applicant.

79 As noted above, the previous application was withdrawn and so no formal decision was issued on the proposal. This application has been considered on its own merits and is deemed acceptable.

80 With a ramp provided to the south-east corner of the site, access for disabled residents would not be impeded. This means that those with disabilities and the elderly should not feel isolated.

81 It may well be the case that there are other sites that could be developed for housing. However, we have been asked by the applicant to consider the merits of the proposed development on this site.

82 In this instance, drainage would be a matter for building regulations and not for the planning system. Moreover, the site is not within an area prone to surface water flooding, as identified by the Environment Agency.

83 Finally, the usability and affordability of the existing garages is not material to the consideration of this planning application.

Community Infrastructure Levy (CIL)

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

Conclusion

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

86 As the Council cannot demonstrate a 5 year housing supply at this time, paragraph 11d) of the NPPF is engaged (the tilted balance). The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

87 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s): Mike Holmes : 01732 227000

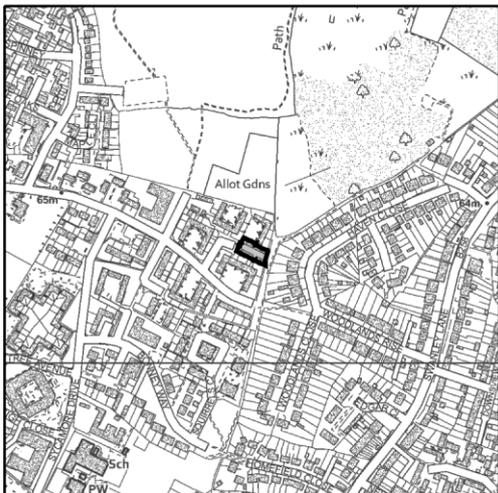
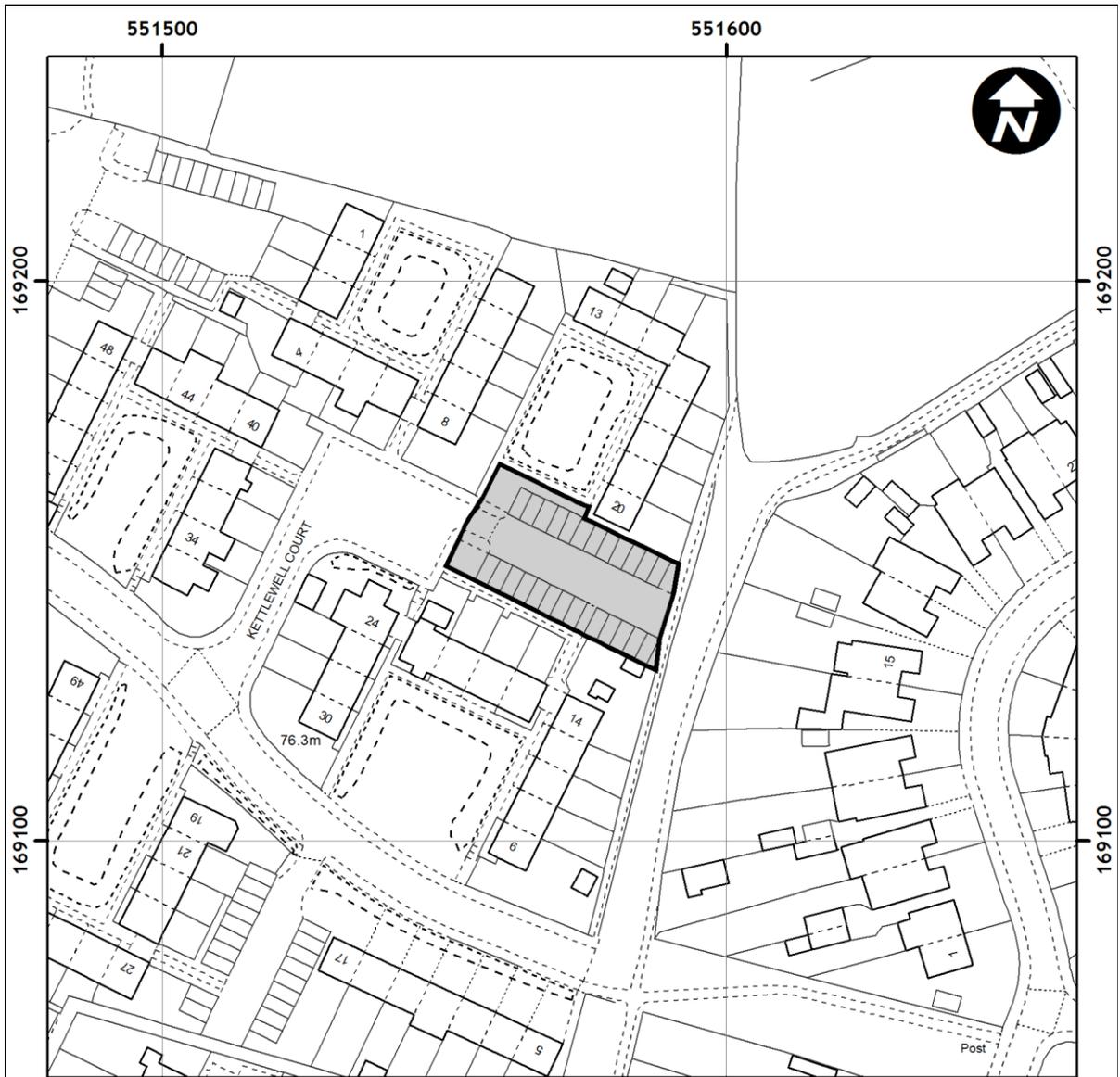
Richard Morris
Chief Officer Planning & Regulatory Services

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PR8BXM BKINR00>



Site Plan

Scale 1:1,250

Date 17/10/2019



DISTRICT COUNCIL

© Crown copyright and database rights 2019

Ordnance Survey 100019428.

BLOCK PLAN

