

4.1 20/00037/FUL Revised expiry date 31 July 2020

Proposal: Erection of 18no. 2 and 3 bedroom dwellings with new communal open space and refurbished existing open space area including children's playground adjacent to Alder Way.

Location: Land East Of 40, Alder Way, Swanley KENT

Ward(s): Swanley White Oak

Item for decision

The application is referred to the Development Control Committee because 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) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-02A-PL-001/A, A983-PL-102/K, A983-02A-PL-103, A983-02A-PL-110/C, 111/C, 112/A, 113, 120, 121, 122, 123, 130, 131, 132, 133, HED.1362.001, HED.1362.002/A.

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

3) No development shall commence until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority, demonstrating the delivery of 7 affordable homes on the site. The affordable housing shall be provided in accordance with the approved scheme and the provision shall meet the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework 2019 or any future guidance that replaces it. The scheme shall include: i) type and tenure of the affordable housing provision to be made, and ii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

To ensure the delivery of affordable housing on the site, to comply with policy SP3 of the Core Strategy.

4) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following: i) routing of construction and delivery vehicles to and from the site; ii) parking and turning areas for construction and delivery

vehicles and site personnel; iii) timing of deliveries; iv) provision of wheel washing facilities; v) temporary traffic management signage. The development shall be carried out only in accordance with the approved details.

To preserve highway and pedestrian safety, to comply with policy EN1 of the ADMP.

5) No development shall commence until a scheme for the control of noise, vibration and dust during the construction period has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out only in accordance with the approved details.

To protect the amenities of nearby residential properties and to comply with policies EN2 and EN7 of the ADMP.

6) Prior to the first occupation of any part of the development, all roads, parking areas, turning areas and pedestrian footpaths, shall be installed in accordance with plan A983-PL-102/K. All works shall be completed to adoptable standards. All parking spaces and turning areas shall remain available as such as at all times.

To ensure the provision of safe access and adequate parking, to preserve highway and pedestrian safety and to comply with policies T2 and EN1 of the ADMP.

7) Prior to the commencement of works on any parking areas, details of a scheme to provide access to electrical charging points across the development shall be submitted to and approved in writing by the Local Planning Authority. Those details shall demonstrate that, as a minimum, a "passive" provision (ie ducting/wiring) shall be made to all parking areas. The development shall be completed only in accordance with the approved details.

To ensure opportunities are delivered for the use of sustainable vehicles, to comply with policy T3 of the ADMP.

8) Prior to the first occupation of any residential unit, details of the allocation of parking spaces and the provision of cycle parking facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

To ensure the development promotes sustainable transport, to comply with policy SP2 of the Core Strategy.

9) Prior to the first occupation of any part of the development, visibility splays of 43m x 2.4m x 43m shall be provided at the junction of the access road with Alder Way. Those visibility splays shall be maintained at all times.

To preserve highway safety, to comply with policy EN1 of the ADMP.

10) Prior to the first occupation of any part of the development, details of external lighting across the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include lighting to the parking areas to the rear of Units 1- 3; the side of Unit 7; the rear of Units 9- 11 and behind Units 13 and 14 (as annotated on plan A983-PL-102/K). The lighting shall be appropriately designed to preserve bat activity and also enhance public safety, and shall only be installed

in accordance with the details approved. Lighting adjacent to the public right of way and within the parking areas shall be installed in full, prior to the use of those areas.

To preserve pedestrian safety, to comply with policies EN1 of the ADMP and to preserve bat movements across the site, to comply with SP11 of the Core Strategy.

11) Prior to commencement of the development above the damp proof course, a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the scheme has been developed in consultation with Kent Police. The measures so approved shall be implemented in full prior to the occupation of the development and shall be retained.

To ensure the development creates a safe and secure environment in accordance with policy EN1 of the ADMP.

12) Prior to the commencement of development associated with the playground, full details of all hard landscaping, including hard surfaces, boundaries and full details of the equipment to be installed, along with a scheme for its maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a column capable of accommodating lighting and CCTV. The development shall be carried out only in accordance with the approved details and the playground shall be available for use prior to the first occupation of any part of the development.

To secure delivery of the play space, to ensure it complements the character and appearance of the area and provides a safe facility, to comply with policies EN1, EN2 and GI2 of the ADMP and SP10 of the Core Strategy.

13) Prior to the first occupation of any part of the development, the public right of way shall be completed in accordance with the approved plans and details.

To ensure the public right of way is delivered and to enhance pedestrian movements and links to the neighbouring open space, to comply with policy EN1 of the ADMP.

14) Prior to the first occupation of any part of the development, details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) details of all boundary treatments across the site, including details of a boundary between the parking area and public right of way in front of Units 16 and 17 (as annotated on plan A983-PL-102/K) and all boundary treatments adjoining the public right of way; b) a motorcycle barrier to the public right of way close to the northern site boundary. The development shall be completed in accordance with these details.

To preserve residential amenity and to protect public safety on the public right of way, to comply with policies EN1 and EN2 of the ADMP.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order), planning permission shall be required for any alterations

to boundary treatments across the site falling under Schedule 2, Part 2, Class A of that Order.

To preserve residential amenity and to protect public safety on the public right of way, to comply with policies EN1 and EN2 of the ADMP.

16) Prior to the commencement of any development above the damp proof course of any new dwelling, details including samples of the facing materials to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

17) The first floor window in the side elevation of 'Unit 1' (as annotated on drawing A983-PL-102/K) shall be obscure glazed and fixed shut unless the opening parts of the window are more than 1.7m above the internal floor level of the room it serves. The window shall be so maintained.

To preserve the privacy of the adjoining properties, to comply with policy EN2 of the ADMP.

18) Prior to the first occupation of any new dwelling, a scheme for the maintenance and management of the public areas of hard and soft landscaping on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with those approved details.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

19) The soft landscaping scheme demonstrated on plan HED.1362.001 shall be carried out in its entirety not later than the first planting season following the first occupation of any part of the development.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

20) 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 unless otherwise approved in writing by the Local Planning Authority.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

21) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include the recommendations within section 4.10 of the Preliminary Ecological Appraisal (KB Ecology August 2018). The approved details will be implemented prior to the first occupation of the development.

To ensure the development delivers biodiversity enhancements and to comply with policy SP11 of the Core Strategy.

22) No development shall commence 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 Drainage Design Report dated April 2020 by EAS 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): i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, controlled waters or ground stability; ii) 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 or off site flooding, to comply with policy SP2 of the Core Strategy and the NPPF.

23) Prior to the first occupation of any residential unit, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. 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. The surface water drainage system shall be maintained 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 or off site flooding, to comply with policy SP2 of the Core Strategy and the NPPF.

24) A) Prior to the commencement of development, an intrusive site investigation in respect of potential land contamination and a remediation strategy (if necessary) shall be submitted to and approved in writing by the Local Planning Authority. B) If identified as necessary by part A then all approved remediation works shall be carried out in full and a validation report demonstrating completion of the remediation works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development. If unexpected contamination is found after development has begun, development shall be halted on the part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until appropriate remediation has been undertaken.

To ensure the development is safe for future users, to comply with policy EN2 and the NPPF.

25) No development shall take place until details of the existing levels of the land and proposed slab levels and any changes in levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In order to understand the final ground levels and to comply with policies EN1 and EN2 of the ADMP.

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) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should contact the Public Right of Way Officer at Kent County Council before commencing any works that may affect the Public Right of Way.

3) The applicant is reminded that they will require the separate consent of the Highway Authority for any works involving construction works within the existing public highway. 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.

4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

5) 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.

6) In respect of conditions relating to soakaways, the applicant is advised to follow the guidance of The Environment Agency in respect of groundwater protection. The design of drainage systems should be in line with G1, G9, G12 and G13 position statements, available on The Environment Agency website.

7) The applicant is advised to have regard to the recommendations of Kent Police in their comments to this planning application dated 5th February 2020 when considering boundary treatments across the site.

National Planning Policy Framework

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

Description of Site

- 1 The application site comprises two parcels of land either side of Alder Way in Swanley.
- 2 The northern part of the site is the larger and is on the northern side of Alder Way. It comprises an area of open, mown grassland with a public footpath running across in the centre which provides access to Swanley Park and the open land to the north. The site slopes gently down towards the centre of the site. To the east the site adjoins the terrace of 16- 30 Alder Way, with garages to the north. To the west the site adjoins the terrace of 32- 40 Alder Way and garages to the north of them.
- 3 The smaller, southern part of the site, is a square piece of open land bound by the highway of Alder Way to the north, 19- 25 Alder Way to the east, 59- 69 Alder Way to the south, and 69- 79 Shurlock Avenue to the west.

Description of Proposal

- 4 Planning permission is sought for development of the northern part of the site to provide 18 new dwellings with associated vehicular access from Alder Way and parking spaces and private amenity areas for each new dwelling. A public right of way would be retained through the centre of the site. The proposed dwellings would be a mix of semi-detached, detached and terraced homes, each comprising two storeys with a pitched roof.
- 5 The application also seeks planning permission for the provision of a new playground and associated landscaping to the southern part of the site.

Planning History

- 6 There is no relevant planning history.

Policies

7 National Planning Policy Framework (NPPF)

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

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

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

8 Core Strategy (CS)

- L01 Distribution of Development
- L04 Development in Swanley
- 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
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

9 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN7 Noise Pollution
- GI2 Loss of Open Space
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Points

10 Other

- Sevenoaks Residential Extensions Supplementary Planning Document (SPD)

Constraints

- 11 The following Constraints apply:
- Public Right of Way (through the northern part of the site)
 - Allocated Open Space (northern part of the site only)
 - Area of Archaeological Potential (northern part of the site only)
 - Urban Confines of Swanley
- 12 Directly adjoining the north of the site is Swanley Park historic park and land, which is, designated Metropolitan Green Belt.
- 13 It is relevant that the northern part of the site is proposed as an allocated site for housing in the emerging Local Plan.

Consultations

- 14 Two rounds of public consultation have been undertaken, one in January 2020 and again in May 2020. The second followed submission of additional drainage information and a minor revision to the site layout. The consultation responses are as follows:
- 15 Swanley Town Council -
- 16 First Consultation:
- Objection: “Although in favour of the development SDC should offer alternative green space to compensate for the loss of green space taken for the proposed development.”
- 17 Second Consultation:
- No objection.
- 18 SDC Planning Policy -
- 19 First Consultation:
- 20 “The key strategic planning policy issues covered in this response are: loss of amenity green space; provision of new play space.
- 21 Loss of Amenity Greenspace - The site is currently designated as amenity green space under policy GI2. Policy GI2 protects areas of open space from redevelopment unless certain tests are met. In this case the applicant is arguing that the loss of the amenity greenspace is mitigated by the new children’s play area.
- 22 The site is a grassed area currently designated as amenity greenspace bounded by the rear of gardens to the east and west, Swanley Park to the north and Alder Way to the south. The site has little ecological value with no formal recreational use.

- 23 There are areas of open space within the vicinity including directly opposite the site on Alder Way, on Shurlock Avenue and Swanley Park itself. In addition, the District has an overall over-supply of amenity greenspace as detailed in the Open Space Study (pg. 59).
- 24 Swanley Park is an extensive area of multifunctional green space serving the residents of Swanley. There is direct access to the park through the site via a public right of way. The proposal retains the public right of way allowing access to Swanley Park and this is supported.
- 25 The proposed landscaping within the scheme will include new habitats of higher ecological and biodiversity value than the existing managed grassed area through the incorporation of trees, hedges and wildflowers. Appropriate management and maintenance arrangements will need to be in place to ensure these habitats remain in high quality condition.”
- 26 Provision of New Children and Young People’s Play Area - The Open Space Study identified a need for new children and young people play areas across the District (Page 60). The study also identified that much of the existing provision is of poor quality and often poorly located (page 33). Paragraph 7.36 of the Study states that “There is an opportunity to increase provision of children’s and young people play space by redeveloping areas of poor quality Amenity Greenspace or parks and gardens to include additional provision of play space.”
- 27 The provision of new play space is supported in emerging Local Plan policy OS1.
- 28 The proposal includes provision of a new play area to mitigate the loss of the open space on the land opposite the new housing development. This is well located with good natural surveillance and access. The new play area will help to address the existing deficiency but appropriate maintenance provision will need to be required to ensure the play area is well-maintained and high quality.
- 29 In conclusion, taking account of the provision of new children and young people’s play space, the retention of the public right of way and the proximity of the site to other high quality and multifunctioning open space there is no policy objection to the loss of the amenity green space.”
- 30 Second Consultation:
No response.
- 31 KCC Archaeology -
First Consultation: No comments.
Second Consultation: No comments.
- 32 KCC Ecology-
- 33 First Consultation:

- 34 “We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.
- 35 Bats and Lighting- We are satisfied with the report’s conclusion that the site is unlikely to support roosting bats. However, it is stated that bats are likely to forage and commute along the site’s boundary vegetation. Lighting can be detrimental to commuting and foraging bats so we advise that the external lighting of the development should be designed in a way that negates the impact on bat activity. To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust’s ‘Guidance Note 8 Bats and Artificial Lighting’ is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured with an attached condition with any planning permission.
- 36 Breeding Bird Informative - Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent (informative relating to breeding birds).
- 37 Hedgehogs - Under the NERC Act 2006, hedgehogs are a priority species and, as such, must be considered where they may be present regarding a proposed development. As such, we advise that details be provided which demonstrates that any close board fencing included within the development will have sufficiently sized gaps to allow hedgehog movement. This can be included within the enhancement plan.
- 38 Ecological Enhancements - In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Examples of suitable enhancements have been provided within the ecology report and, in addition to gaps in fences for hedgehogs (mentioned above), we recommend these are incorporated into the development. As such, we advise a condition is attached to secure the implementation of enhancements.”
- 37 Second Consultation:
- “KCC’s Ecological Advice Service previously commented on this proposal in our advice note dated 4th February 2020. The advice provided in our previous response applies equally to this amendment and, therefore, we have no further comments to make.

38 Natural England -

39 First Consultation:

No comments.

40 Second Consultation:

“The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.”

41 SDC Tree Officer -

42 First Consultation:

“The land shown for this development is currently a grassed plot with a mature Beech hedge running parallel with the eastern boundary and a number of smaller trees located sporadically adjacent to the northern boundary. My only comment is for a landscaping scheme to be attached to any consent given. I would expect suitable tree and shrub planting throughout the scheme should it progress.”

43 Second Consultation:

“The proposal for the play area to the south of the main development has a similar layout to the main area as it is grassed open space. I therefore have the same response that this should have a suitable landscaping scheme proposed for it should consent be given.”

44 KCC Highways Authority -

45 First Consultation:

46 “Site Location- The site is located with a proposed access directly onto Alder Way which is considered adequate to accommodate the likely traffic generation. I would estimate that the development could generate around 100 - 120 vehicle movements per day of which 10 - 12 would occur during the am and pm peak hours. It is considered that the local road network along with the junction(s) with London Road would be adequate to accommodate this level of traffic without creating any significant congestion. In terms of sustainable travel, the site is in a relatively good location to provide travel opportunities other than the private car. There are bus services available along London Road within 5 minutes walk of the site and the town centre and schools are within a 15 minute walk or 5 minute cycle ride.

47 Road Layout- It would appear that the road layout complies with the guidelines set out in Kent Design and is generally satisfactory for adoption by the Highway Authority. However, I do have concerns about the length of access road / drive that accesses the parking spaces to the rear of Units 9 to 12. This would not be suitable for refuse collection vehicles as there is no turning space or facilities for other vehicles to turn who are not utilising

(Item No 4.1) 12

parking spaces. Evidence has been provided to show that a refuse could turn at the junction but I am concerned that the refuse vehicle would still need to reverse a long distance to make it within acceptable carry distance. SDC Waste should be consulted regarding this. Notwithstanding this, other vehicles would be unable to turn road if all parking spaces are occupied and it would not be acceptable for them to reverse all the way back to the hammerhead junction. A turning head should be provided, preferably at the end of the road behind Unit 9 or possibly, behind Unit 13. The footway layout appears to be adequate and maintains the existing footpath route through the site which is acceptable. Dropped kerb crossing points should be provided where this footpath crosses the access road unless there is a raised hump which reduces the kerb height to less than 25mm.

- 48 Parking- The parking provision appears to comply with KCC Residential Parking Standards (IGN3) although it is not clear from the drawings provided if spaces are proposed to be allocated to specific units. Overall the number of spaces is in excess of the minimum standards and includes for a number of visitor spaces (not identified). I would prefer that the spaces in the larger parking area in front of Units 15 - 18 were not allocated to individual units as it allows more flexibility. This could be the subject of an appropriate Condition.
- 49 Electric vehicle charging points should be provided either incorporated in dwelling where parking is adjacent or in communal areas. Details of these can be sorted at a later date and if necessary, adequate "passive" provision (i.e. ducting / wiring) should be made to all units / parking areas.
- 50 Cycle parking should be provided at the minimum standard specified in KCC Parking Standards (SPG4) at a rate of 1 space per bedroom. Such spaces should be secure and weatherproof and should be the subject of an appropriate Condition.
- 51 Road Junction- Whilst it does not appear to be an issue, visibility splays of 43m x 2.4m x 43m should be provided at the junction of the access road with Alder Way. These should be conditioned.
- 52 Travel Plan- Whilst a framework travel plan has been submitted in support of this application, I would recommend a condition for a full travel plan to be submitted and approved by the LPA prior to first occupation.
- 53 In conclusion, I do not raise any objection to this application on highway grounds provided the issue regarding the turning head for the access road behind Plots 9 - 12 (referred to under "Road Layout" above) is addressed satisfactorily and that Conditions are applied to any consent granted relating to car parking, cycle parking, junction visibility, Travel Plan as well as a Construction Management Plan to be submitted and approved prior to any works commencing. A generic condition requiring all access roads, footways and footpaths to be constructed to adoption standards.
- 54 Please advise the applicant that they will require the separate consent of the Highway Authority for any works involving construction works within the existing public highway."

- 55 Second Consultation:
- 56 “I refer to my previous consultation response on 29th January 2020. I note that the layout plan has now been amended to address my concerns regarding the turning facility at the rear of Units 9 - 12.
- 57 I would therefore raise no objection on highway grounds to this application provided the Conditions recommended in my previous response are applied to any consent granted.”
- 58 Highways England -
- 59 First Consultation:
- 60 “Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long term operation and integrity. In the case of this proposed development, Highways England is interested in the potential impact that the development might have the SRN, in particular, at M25 Junction 3. We are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of development, given that the site is located close to the SRN.
- 61 Highways England would encourage that a transport statement or note is provided by applicants that submit applications in such close proximity to the SRN. However, for this application in the absence of such document, Highways England have undertaken their own technical analysis of this development and estimated what the trip rates are likely to be in the AM and PM peak hours. Highways England are satisfied that this development will have a negligible impact on the SRN and therefore provide a no objection response.
- 62 Second Consultation:
- Same as first consultation response.
- 63 South East Coast Ambulance Service-
- First Consultation: No objections.
- Second Consultation: No response.
- 64 KCC Lead Local Flood Authority (LLFA) -
- 65 First Consultation:
- 66 “Unfortunately the information provided for the proposed development is insufficient for us to be confident that the design will not increase the risk of flooding on or off site.

- 67 No calculations have been provided for the design proposed. Whilst we understand no infiltration testing has been undertaken we would expect that the proposal would be based on an assumed infiltration rate representative of the type given on the BGS Website.
- 68 Without this we cannot be certain that the attenuation proposed is sized correctly or that therefore sufficient space exists within the confines of the site to provide additional attenuation if required.
- 69 Also of concern are the existing soakaways shown in the North East corner, we are not able to permit the layout as shown due to the proximity of properties being within a 5m buffer. Should it be proposed for the soakaways to be moved we would expect for it to be demonstrated that the new positions do not increase the risk of flooding on or off site.
- 70 We would therefore recommend the application is not determined until further information has been provided for consultation.”
- 71 Second Consultation:
- 72 “We have reviewed the latest submitted information and are satisfied that the principles proposed for dealing with surface water, namely infiltration to ground, are acceptable and do not increase the risk of flooding.
- 73 We note that a significant surface water flow path is shown on the Environment Agency's Flood Map for Surface Water (as briefly discussed in the drainage design submitted) to the East of the site and that a number of properties are situated within this path. We will require for this to be further considered and mitigation measures proposed, if required, as part of the detailed design. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used:
- http://www.kent.gov.uk/__data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf
- 74 Reference should also be made to our guidance on the use of urban creep uplifts, we will expect the correct percentage to be applied and demonstrated as part of the detailed design.
- 75 The site is also situated in a Zone 3 Groundwater Source Protection Zone, as LPA you should satisfy yourselves that the Environment Agency approve the use of soakaways in this zone.
- 76 Should you as LPA be minded to grant permission for this development we would recommend that the following conditions are applied: (Conditions recommended relating to infiltration of surface water; details of a sustainable surface water drainage scheme, and; a verification report confirming its installation)”

- 77 Thames Water-
- 78 First Consultation:
- 79 “Waste Comments- With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. 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.
- 80 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>.
- 81 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.
- 82 Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 83 Water Comments- There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, 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/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
- 84 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/buildingwater. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.”

85 Second Consultation:

No comments received.

86 Environment Agency -

87 First Consultation:

“We have reviewed the information submitted and due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle provided that the following conditions are placed on any development”. (Condition recommended relating to unexpected land contamination).

88 Second Consultation:

89 “We typically endorse sustainable surface water drainage systems. However, the Agency does not generally support the use of deep borehole soakaways. We are concerned that boreholes, wells and deep soakaways designed for water disposal at depth could bypass any potential attenuation layers and offer a direct conduit for the rapid transport of contaminants to groundwater. Where necessary, we will seek to control the depths of these systems by recommending maximum penetration depths based on site-specific data (i.e. groundwater levels beneath the site). Dispersal into the ground through soakaways will always require a site-specific investigation and risk assessment.

90 The following points should be considered as part of the proposal to use the existing or new soakaways at a site:

- Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
- Only clean uncontaminated water should drain to the proposed soakaway system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
- No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

91 We advise applicants to follow our guidance The Environment Agency approach to ground water protection. The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements

<https://www.gov.uk/government/publications/groundwater-protection-positionstatements>)

92 Crime Prevention Officer -

93 First Consultation (summary):

- If the application is approved, a condition is strongly recommended to show a clear audit trail for Design for Crime Prevention and Community Safety to meet statutory duties under Section 17 of the Crime and Disorder Act 1998.
- Support the recommendation to install motorcycle mitigation measures at the northern end of the existing footpath in the interests of site safety and to deter/ prevent anti-social motorcycle misuse.
- Perimeter, boundary and divisional treatments including gates- should conform to SBD Homes 2019 and be 1.8m in height to the side and rear of the residential units. Divisional garden fencing is also recommended to be 1.8m in height with arris or support rails facing into the gardens so they cannot be used as climbing aids. Fencing to the north of unit 9 should be topped with trellis to deter climbing. If the path running east to west is enclosed with fencing the path should be 3m wide and as straight as possible to provide maximum surveillance, in line with SBD Homes 2019. Garden service gates should be located at the start of each garden service path, as far forward to the building line as possible.
- The side elevation of unit 8 should be protected with fencing or defensive planting where it runs along the right of way. Ideally defensible space should also be provided to the sides of units 12 and 13 where they adjoin the footpath.
- There is a lack of informal and natural surveillance of some of the parking areas, eg behind units 1- 3 and the side of unit 4; the side of unit 7, rear of units 9-12 and behind units 13-14. Lighting should be certified to BS5489-1:2013 as per SBD Homes 2019.
- Consideration should be given to a lighting column to be wired to receive a temporary Community Safety Unit CCTV camera to cover the playground area, for use in the event of antisocial behaviour.
- Doorsets and windows should be certified to PAS24:2016 as par SBD Homes 2019.
- Ideally there should be no blank elevations to improve surveillance.
- Installation of alarm spurs is recommended for each unit.

94 Second Consultation:

“We have reviewed this application in regard to Crime Prevention through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF) and have no additional comments to make at this time. Our comments dated 5th February 2020 remain valid”

95 Public Right of Way Officer -

96 First Consultation:

- 97 “Public Right of Way Footpath SD74 runs north to south across the northern site but is not shown annotated on any of the plans. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 98 Whilst the public right of way is to be left on its present alignment it will need considerable works to bring it up to a suitable standard for the increased pressure of use from this residential development. I would therefore request a Section 106 agreement/ contribution of £16,000 to improve the footpath surface, as the housing scheme has more than 10 units and, therefore, under the NPPF definition, since July 2018, constitutes a major site. I am concerned that the landscape plans show no barrier between the parking on the west side of the footpath and the houses. This needs to be addressed as it is a safety issue and could lead to vehicles on or crossing the footpath. There may also be the need for a motorcycle barrier at the northern end of the site where the footpath exits into the park.
- 99 The design also refers to street lighting but I can see no details of this on the plans. Please note that KCC PROWAS will not be responsible for installing or maintaining lighting along public rights of way. Whilst it is good to see that the orientation of the houses to the east side of the footpath allows for natural surveillance I am concerned about the northern section above the site which will run east to west behind a property which will presumably have a six foot high close boarded fence. This stretch is also situated between two dog legs on the path and could provide an area for antisocial behaviour and fly tipping so I would welcome further thought and comment on that from the developer, to ensure public safety.
- 100 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way
- 101 Should any temporary closures be required to ensure public safety then this office will deal on the basis that: the applicant pays for the administration costs; the duration of the closure is kept to a minimum; Alternative routes will be provided for the duration of the closure. A minimum of six weeks’ notice is required to process any applications for temporary closures This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.”
- 102 Second Consultation:
“I do not wish to add further to my comments in my letter of 14th January 2020 but note that the letter dated 5th February 2020 from the Designing Out Crime Officer supports my requests.”

- 103 KCC Economic Development -
- 104 First Consultation:
- 105 “Whilst we appreciate this application will pay the CIL adopted by Sevenoaks District and that the County Council cannot request contributions through a s106 agreement, the development will still have an impact on County services which cannot be accommodated within existing capacity. This development will place the following unfunded pressures on KCC:
- Secondary: 18 Houses @ £4,115.00 per Dwelling (x18) = £74,070.00
 - Community Learning: @ £16.42 per Dwelling (x18) = £295.56
 - Youth Service: @ £65.50 per Dwelling (x18) = £1,179.00
 - Libraries: @ £55.45 per Dwelling (x18) = £998.10
 - Social Care: @ £146.88 per Dwelling (x18) = £2,643.84
 - Waste: £237.54 per Dwelling (x18) = £4,275.72
- 106 Broadband: The Department for Culture, Media and Sport requires fibre to the premise/gigabit capable fibre optic connection for all. Please include within any Planning Consent the requirement to provide ‘fibre to the premise’ broadband connections to all premises of gigabit capacity, (condition recommended to secure broadband connection).
- 107 It is requested that these impacts be noted in determining the application and that Sevenoaks District Council allocates CIL funds received from the development to ensure the impacts of the development can be met and the development regarded as sustainable.”
- 108 Second Consultation-
- No response.

Representations

- 109 Objections have been received from ten addresses. Some of these include photographs and videos of flooding on the site. The issues raised may be summarised as follows:
- Loss of open space for the community
 - The existing open space is protected and previously considered unsuitable for development
 - The open space has been used by the air ambulance
 - Increased parking pressure and local traffic
 - Parking is already difficult in the area
 - The area is prone to flooding and overflowing drains and sewers
 - The area is already densely populated
 - Loss of privacy
 - Loss of view
 - Loss of light
 - Noise and disturbance from new dwellings
 - Noise and disturbance from the construction process
 - Playground will create antisocial behaviour

- Playground is unlikely to be maintained, like others in the area
- Playground is not necessary given the proximity of Swanley Park
- Impact on local infrastructure
- Impact on access to garages during construction
- Lack of consultation prior to the application

110 One comment has been received which neither supports nor objects to the proposals. It states that the houses should be for people born in Swanley.

Chief Planning Officer's Appraisal

Principal Issues

111 The main issues for consideration are discussed below and can be summarised as:

- Principle of the loss of the open space and use for housing;
- Density, affordable housing and housing mix;
- Visual impact and impact on the character and appearance of the area;
- Impact on residential amenity;
- Highways, parking and the public right of way;
- Flooding and drainage;
- Landscaping;
- Biodiversity;
- CIL and impact on infrastructure

Principle of the loss of the open space and use for housing

112 The proposals would result in the loss of the existing open space on the northern side of Alder Way. This is allocated open space as designated by the ADMP under policy GI2.

113 Policy GI2 states that the redevelopment of open space within the urban confines of towns and villages will not be permitted unless the applicant demonstrates that:

- The open space is surplus to requirements and that there is no need for an appropriate alternative community, sports or recreational use, or
- The loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or
- The development is for an alternative sports/ recreational use.

114 Both northern and southern parts of the application site currently comprise open grassland. They contain little vegetation and there are currently no benches or facilities in these areas to support their recreational function.

115 The Council's Planning Policy team have commented on the application and their consultation response is included above. They note that the evidence base for the emerging Local Plan, the Open Space Study (June 2018, pg. 59)

- identifies that the District has an over-supply of amenity greenspace for its population.
- 116 This site lies in close proximity to Swanley Park, which is accessed directly from the northern part of the site. This is an extensive area of multifunctional green space which serves the residents of Swanley.
- 117 The applicant is proposing to improve the quality of the open space to the southern part of the site through proposing a new playground with associated landscaping. Again the Open Space Study identified a need for new children and young people's play areas across the District. The study identified that much of the existing provision is of poor quality and often poorly located. Paragraph 7.36 of the Open Space Study states "There is an opportunity to increase provision of children's and young people playspace by redeveloping areas of poor quality Amenity Greenspace or parks and gardens to include additional provision of playspace."
- 118 The proposed location of the playground is welcome as it is located in an area of good natural surveillance from both the road and surrounding residential properties. A condition can be used to ensure that details of the final equipment are submitted for approval and along with evidence of a scheme for its maintenance. The development also preserves a right of way across the site, maintaining easy access to Swanley Park for local residents.
- 119 In this case it is considered that in light of the improvements proposed to the southern part of the site and identified need for play equipment, the new landscaping across the northern part, combined with the close proximity to Swanley Park and the identified overprovision of open spaces in the District, the loss of the existing open space is acceptable and the proposal would be in accordance with Policy GI2 of the ADMP.
- 120 The proposals would provide 18 residential dwellings which would contribute to the District's housing stock. The site is not located within the metropolitan Green Belt, but is within the confines of the settlement of Swanley, as defined by the ADMP, where the Core Strategy supports the provision of housing.
- 121 Policy L01 states that development will be focused within the built confines of existing settlements and acknowledges that second only to Sevenoaks, Swanley will be the secondary focus for development. The proposals are compliant with the aims of L01 and also L04.
- 121 While the emerging Local Plan is not being afforded any significant weight, it is also relevant that in the emerging Local Plan the site is proposed as a housing allocation for 20 units.
- 123 In conclusion the loss of the existing open space on the northern part of the site, and the introduction of residential development is acceptable.

Density, affordable housing and housing mix

- 124 The proposals would provide 18 residential units on a site of approximately 0.56 hectares (being the northern part of the site only). This equates to a density of 32 dwellings per hectare.
- 125 The density is less than required by policy SP7, which seeks 40 dwellings per hectare in urban areas including Swanley. However SP7 also notes that development should be at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. This is discussed further below.
- 126 In terms of mix, the proposals would provide 11 x 2 bedroom units and 7 x 3 bedroom units. Policy SP5 requires new development to contribute to a mix of different housing types in residential areas, taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. The latest evidence of housing need in the District informed the emerging Local Plan and the Strategic Housing Market Assessment (SHMA, 2015). This identifies that in market housing there is a need for 40-45% to be 3 bedrooms, and 25-30% to be 2 bedrooms. In affordable homes there is the greatest need for 1 and 2 bedroom units.
- 127 The proposals comprise 61% 2 bedroom units and 39% 3 bedroom units and a mix of market and affordable homes. This mix is therefore considered acceptable and appropriate for this location.
- 128 The proposals trigger a requirement for 40% affordable housing, which would equate to 7 units in this case. The applicant has committed to a policy compliant level of affordable housing.
- 129 Given Sevenoaks District Council is the applicant for the application, this raises issues of enforcement should a conventional Section 106 approach be used. Advice has been sought from the Council's legal team who have advised that in this instance, a negatively worded condition would be appropriate, requiring an agreement prior to the commencement of any development.
- 130 Subject to this condition the proposals are compliant with policy SP3.

Visual impact and impact on the character and appearance of the area

- 131 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.
- 132 The surrounding area comprises predominately two storey properties in terraced groups, with pitched roofs and gable ends. The groups of properties are interspersed with clusters of single storey garages with flat roofs, such as those which adjoin the application site to the north east and north west. Plot sizes, and treatment of frontages also vary.
- 133 The detailed design of properties in the wider area varies and some properties have undergone alterations which gives a varied street scape. However properties are generally consistent in their design within their terraced

groups. Building materials in the wider area also vary, but comprise predominately brick of varying tones with some cladding and tile hanging at first floor levels.

- 134 The proposals comprise plot sizes which are generally in keeping with the established grain of the area and are separated by areas of hard and soft landscaping which break up the built forms and provide visual relief. It is therefore considered that the perception of the density and site layout is acceptable in visual terms.
- 135 A terrace of three dwellings is proposed addressing Alder Way, creating an active frontage onto the existing highway. This is welcome. These three dwellings incorporate stepped levels, lowering in height towards the centre of the site, and respecting the existing site levels and topography. A condition is recommended to secure details of the final ground and slab levels across the development, to ensure that the existing topography is adequately respected.
- 136 Five of the semi-detached houses do not have an active street frontage, but instead address the public right of way which runs through the centre of the site. The implications for the public right of way are discussed below, however the introduction of an active frontage onto the footpath is welcome.
- 137 The proposed houses themselves are all similar in their appearance, comprising two storeys with pitched roofs and gable ends. The treatment of doors and windows is distinctly modern, with Juliette balconies proposed at the first floor level within all the houses. This is not an established feature of the area, but given the varied character of the area, it is not opposed and would not appear unduly prominent or incongruous.
- 138 The proposed materials include a buff brick to all elevations and grey slate tile roof and grey uPVC window frames. These materials adequately respect the context of the site and details of samples of the materials could be secured by condition.
- 139 The proposed residential development would appear as visually distinct to the surrounding area due to its differing design and materials, however as the area is mixed, this is supported. The proposals would comply with policies EN1 of the ADMP and SP1 of the Core Strategy.
- 140 On the southern part of the site the proposals entail new hard and soft landscaping in association with the new playground. Details of the soft landscaping have been provided, and details of the play space, including final equipment and hard surfaces, can be secured by condition. This area is welcome in terms of its visual impact and would enhance the existing grassland. A condition is recommended to secure details of maintenance for all new soft landscaping across the site, including that around the play area.

Impact on residential amenity

- 141 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The development on the northern part of the site is bound by two storey

residential properties and single storey garages on Alder Way to the east and west. The site adjoins open land to the north.

- 142 16- 30 Alder Way
- 143 To the east the site adjoins the terrace of 16- 30 Alder Way which runs parallel to the eastern site boundary. The principle elevations of these properties face the application site and there is a footpath and hedgerow in front of them. Their garages and private gardens exist to their far side.
- 144 The proposed new houses would be 22 metres from 16-30 Alder Way and there would be a distance of 22 metres between the habitable room windows of both the existing and proposed development. This distance, combined with the difference in ground levels between the properties (where the new development would be set on lower ground), would preserve the privacy of existing occupants. New gardens and parking areas would exist closer to 16-30 Alder Way, however the use of these areas is not considered to cause a harmful loss of privacy. It is relevant also that the proposed landscaping plan shows a hedge would continue to be provided along this boundary which would be maintained to a height of approximately 2m.
- 145 In light of the distance between the existing and proposed development on this eastern side of the site, privacy, sunlight and daylight to these neighbouring properties would be preserved.
- 146 32- 40 Alder Way
- 147 This is a terrace of 5 properties which runs parallel to the western site boundary. The rear elevations and rear gardens of these properties face the application site. There are no proposed properties which face directly towards this terrace, instead they would face the flank elevation of 'Unit 1' at the front of the site. At the closest point there is a distance of approximately 10m between the flank wall of new 'Unit 1' and 36 Alder Way. Again there is a difference in ground levels and the development would be set lower than the eaves of these existing properties.
- 148 In terms of privacy, one small first floor window is proposed to the side elevation of 'Unit 1', however this serves a bathroom and could reasonably be conditioned to be obscure glazed and fixed shut. A ground floor side window is also proposed however those views would be obscured by boundary treatments. While some oblique views may be possible between the rear windows of Units 1-3, these would not be direct views into the habitable room windows of 36- 40 Alder Way. The proposals are not considered to cause a harmful loss of privacy.
- 149 There would be likely to be some impact on daylight and sunlight on 32-40 Alder Way arising from the new flank wall of 'Unit 1', however given the distance between them and presence of existing boundary treatments, the impact is not considered to cause harm to the overall living conditions of those properties.
- 150 When looking at the surrounding area it is relevant to note that the proposed site layout and proximity of the properties is similar to that which exists

within the wider area. For example properties to the south where front elevations of 31 and 33 Alder Way face the flank elevation of 59 Alder Way (approximately 9m between them) and the rear elevations of 61 and 63 Shurlock Avenue face the flank elevation of 69 Alder Way (approximately 11m apart). In this instance the relationship of the proposals to the neighbouring properties is considered to be acceptable.

151 19- 33 Alder Way, 59- 69 Alder Way and 61 - 79 Shurlock Avenue

152 These are the terraces which surround the proposed new playspace on the southern part of the site. The properties have a combination of front elevations and rear elevations with gardens facing the site.

153 The proposed structures on the southern part of the site would not be so significant as to cause any notable loss of sunlight or daylight to these properties. An increase in people on the site may cause more overlooking, but this could arise from the existing situation as the site is open with unrestricted access. Issues relating to public safety and antisocial behaviour arising from the playspace are discussed in turn below. However separate legislation also exists outside planning control to assist in enforcing against such issues.

154 Other Properties

155 There are other properties which exist slightly further away from the application site, including 42 Alder Way (to the west) and 171 Northview (to the east), both with flank elevations facing towards the site. These properties are considered to be such a distance from the site, and separated by existing garages, that their living conditions would be preserved. Similarly the flank elevations of 19 and 79 Alder Way face the application site. The development would have an acceptable impact on their living conditions.

156 Concerns have been raised for the impact of the construction process on the living conditions of nearby properties. In light of the proximity of the site to the neighbouring properties a condition is recommended to secure a construction management plan which would detail the measures used to control the impact on nearby residential properties. It is relevant that separate Environmental Health legislation also exists outside the planning regime, to enforce against significant noise and disturbance should it occur.

157 Overall the proposals would preserve the living conditions of the existing residential properties.

158 Living Conditions of the Proposed Properties

159 Policy EN2 also requires that occupants of new development benefit from good living conditions. In this instance all the new houses benefit from dual aspect and outlook to the front and rear. Each has its own private amenity space. In some cases this amenity space is small, however this is consistent with the garden areas in the surrounding area, and the proposals directly adjoin open space to the north that can be utilised by occupants. It is considered that the occupants of the new development would benefit from a good standard of amenity, compliant with EN2.

160 Crime and Public Safety

- 161 The “Designing Out Crime Officer” of Kent Police has been consulted on the proposals and has provided comments, available above. This includes a number of recommendations for the developer. A number of the measures the Officer suggests go beyond those which could reasonably be secured by any planning permission, for example fixtures and fittings which meet the “Secured by Design” standard and exceed the requirements of Building Regulations. However the Officer has recommended that a condition be used to ensure that the developer integrates these principles into the development and shows an audit trail for Design for Crime Prevention.
- 162 Conditions are also recommended in respect of boundary treatments, motorcycle bollards at the northern end of the site, and lighting around the parking areas in line with the recommendations of Kent Police. An informative is recommended to draw the developer’s attention to the comments of Kent Police when they come to discharge the conditions.
- 163 Concerns have been raised through public consultation for the risk of antisocial behaviour arising from the new play space and how the space would be maintained.
- 164 As discussed above, there is an identified need for play space within Sevenoaks District which this proposal would help to address. The principle of the play space is therefore acceptable. The proposed location of the play space, being surrounded by residential properties to three sides, is considered appropriate as the space would benefit from significant natural surveillance which would serve to deter antisocial behaviour.
- 165 Kent Police have recommended that consideration be given to installation of a lighting column covering the playground area which could receive a temporary Community Safety Unit CCTV camera. This could be used in the event of antisocial behaviour in the area in the future.
- 166 A condition is recommended to secure details of the play space and a scheme of maintenance. This should include an appropriately designed lighting column for the purposes described by Kent Police and which could accommodate CCTV if needed. It is important, however, that this lighting is directional and avoids spillage which could cause disturbance to the nearest properties. Inclusion of these conditions is considered appropriate for the benefit of any planning permission.

Highways, parking and the public right of way

- 167 The proposed 18 houses and their associated parking provision would generate additional traffic on the local road network. It is relevant that the National Planning Policy Framework at paragraph 109 states:
- 168 “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 169 The site is located in a good location for sustainable travel, with access to public transport via bus and trains from Swanley. The facilities of Swanley Town Centre are also within walking or cycling distance of the site. Given the scale of development and its sustainable location, the impact on the local road network is not considered severe, and would be acceptable. Highways England have also commented that the development would have a negligible impact on the strategic road network.
- 170 The proposals entail a new access onto Alder Way which KCC as the Highways Authority consider appropriate to accommodate the likely level of traffic generation. A condition is recommended to ensure appropriate visibility splays are maintained at the junction. KCC also consider other junctions in the vicinity of the site, including the junctions to London Road, to be adequate to accommodate the additional traffic.
- 171 The Highways Authority have confirmed that the proposed road network within the site complies with guidelines in 'Kent Design' and is generally satisfactory for adoption by the Highway Authority.
- 172 The Highways Authority raised concerns for the parking area to the rear of Units 9- 12 and ability for refuse vehicles to turn here. An amended site plan has been provided which shows a realignment of the footpath here and demonstrates a vehicle turning area can be provided. The Highways Authority are now satisfied with the proposed plan.
- 173 With regard to parking, the parking standards contained in Appendix 2 of the ADMP require 1 parking space per unit, plus 0.2 visitor spaces per unit. Therefore there is a requirement for 21 spaces (being 18 for residents and 3.6 for visitors). The proposals exceed this standard by proposing 36 parking spaces. A condition is suggested by the Highways Authority to secure a plan demonstrating which spaces are allocated and which are for visitor use. Cycle storage and a scheme for electrical charging points should also be secured by conditions. Given the site is in a sustainable location with an excess of parking, a condition relating to a Travel Plan is not considered necessary in this instance. The Highways Authority have agreed with this approach.
- 174 Public Right of Way
- 175 The existing public right of way runs through the centre of the site and along part of the northern boundary. The proposals entail the re-provision of the public right of way in a similar location through the centre of the site. Several of the proposed dwellings would front onto the public right of way, providing natural surveillance, which is welcome. Details of boundary treatments to the front of those dwellings could be secured by condition to ensure that high enclosures are not erected adjacent to the public right of way, which could create an unsafe pedestrian environment.
- 176 Concern has been raised by the Public Right of Way Officer for the absence of any barrier between the parking area and the part of the path in front of Units 16 and 17. A boundary treatment here could reasonably be secured by condition to protect pedestrians from manoeuvring vehicles. A motorcycle barrier at the northern end of the site, next to the access to Swanley Park,

could also be secured by condition. Details of lighting for the path, as for the wider site, could also be conditioned.

- 177 The Public Right of Way Officer has commented that works are required in order to bring the path up to a suitable standard to accommodate the increase in its use. She has suggested a financial contribution to fund the works. However in this instance the public right of way is located within the red line boundary of the application, forms an integral part of the development, and is understood to be within the ownership of the applicant. The works to this path are therefore likely to be carried out by the developer as part of the works, rather than being done separately by KCC. As a result a condition is considered adequate to secure the delivery of the footpath. It remains the case that the applicant would require the separate consent of the Highways Authority before any works could be undertaken on a Public Right of Way and an informative is recommended to remind the applicant of their obligations and to contact the Public Right of Way Officer. Such consent would also be required for any temporary closures or diversions to the path that may be required while the works are undertaken.

Flooding and drainage

- 178 A number of photographs and videos have been submitted from members of the public which show the site and part of the highway of Alder Way flooded. The objections suggest that this occurs following heavy rainfall.
- 179 According to the Environment Agency website, the site lies within Flood Zone 1, at low risk of flooding from rivers or the sea.
- 180 The Environment Agency website shows that the central part of the site is of high risk from surface water flooding, meaning that each year this area has a chance of flooding greater than 3.3%. This covers only the central parts of the site and not the site in its entirety. The proposals, through introducing built forms and hard surfacing onto parts of the site, may therefore increase surface water run-off and flooding.
- 181 The applicant has submitted an amended Drainage Strategy following the initial concerns raised by the Lead Local Flood Authority (the LLFA).
- 182 The applicant's preferred Sustainable Urban Drainage System is drainage to soak away, where rainwater drains directly into the ground. The site has six existing surface water soakaways in the north western corner of the site, which are shown to be restored and integrated into the surface water drainage scheme. The applicant's report is informed by consideration of the underlying geology and surveys of the existing soakaways. The LLFA have reviewed this Strategy and are satisfied that the principle of the proposals are acceptable and do not increase the risk of flooding.
- 183 The Environment Agency have raised concern for this approach in their comments of 18th May 2020 due to the potential risk to attenuation layers and could potential transport of contaminants to ground water. It is also relevant that the site is situated in a zone 3 Groundwater source protection zone. The Environment Agency have stated that they may seek to control the depth of deep borehole soak ways by recommending maximum depths based on the

site specific circumstances. The Environment Agency have therefore not specifically objected to this drainage method, but would require further information informed by a site specific investigation and risk assessment of the ground water levels beneath the site.

- 184 As this is an issue which is capable of being addressed it is considered that a condition is appropriate. A similar condition, and additional conditions have also been recommended by the LLFA, these relate to: demonstration that there is no unacceptable risk to controlled water and/or ground stability; details of the sustainable surface water drainage scheme based on the applicant's drainage strategy, and; submission of a verification report to demonstrate that the surface water drainage system has been implemented prior to occupation.
- 185 Subject to compliance with these conditions, the development is considered to be acceptable and would not result in an increase in surface water flooding.

Landscaping

- 186 The site does not currently accommodate any trees, but hedging forms some of the site boundaries including smaller trees adjacent to the northern boundary. The SDC Tree Officer has raised no objections to the proposals, but recommends that a landscaping scheme, including suitable tree and shrub planting across the site, be secured by condition.
- 187 A landscaping plan has been provided as part of the application (plan HED.1362.001) which includes details of the soft landscaping across the site. It demonstrate the inclusion of two "large trees" positioned centrally in the site and a number of smaller trees within the site, including adjacent to the public right of way. Details of the species of the trees and the types of hedgerows are also indicated on the plan.
- 188 A condition is therefore recommended to ensure that the landscaping scheme is carried out and that any planting which dies within 5 years of its planting is replaced. This would help to ensure that the planting becomes established on the site and continues to be a positive attribute to the character of the area.
- 189 Overall the proposals are acceptable in this regard, and comply with the relevant policies of the development plan. The proposed landscaping would soften the visual impact of the new built forms and maintain the appearance of a point of transition between the built up area and the neighbouring park land to the north.

Biodiversity

- 190 Both parts of the existing site contain mown grassland and include few opportunities to accommodate biodiversity. The application has been submitted with a Preliminary Ecological Appraisal which considers the presence of protected species on the site.

- 191 The Ecology team at KCC have reviewed the application and agree that the site is unlikely to support roosting bats. However bats are likely to forage and commute along the vegetated site boundaries. On this basis a condition is recommended to ensure that external lighting within the scheme is appropriately designed to negate the impact on bat activity.
- 192 It is likely that breeding birds will be present within the vegetation surrounding the site, and the construction may impact upon those birds. In line with the recommendations of the Ecologist at KCC, an informative is recommended on any permission to remind the applicant that it is an offence to remove, damage or destroy the nest of any wild bird.
- 193 In line with the aims of Core Strategy policy SP11 a condition is recommended that the development incorporates measures to promote biodiversity on the site. Overall the development would preserve ecology.

CIL and Impact on Infrastructure

- 194 The development will be CIL liable.
- 195 KCC Economic Development team have commented that the development will increase pressure on infrastructure and have provided the financial contributions that the development should make in order to mitigate its impact. However, as a CIL charging authority Sevenoaks District Council cannot collect the financial contributions suggested. The CIL payment is instead intended to fund infrastructure to support development.

Tilted Balance

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

Other Issues

- 197 Other issues raised within public consultation responses, but not addressed above are:

- 198 Access to properties and garages

This would be a matter to be addressed between any affected parties and the developer. Any grant of planning permission would not override private ownership and access rights.

- 199 Lack of consultation

The Local Planning Authority have met their statutory public consultation obligations through writing to adjoining addresses, erecting a site notice at the site, and advertising the application in local press. This process was undertaken twice following the submission of additional information.

Conclusions and Planning Balance

- 200 The site is one suitable for residential development, being in a sustainable location and within the confines of Swanley, which is one of the key areas where the development plan seeks to focus new development. The proposals would make a welcome contribution to the District's housing stock and also include a policy compliant level of affordable housing.
- 201 The proposals entail the loss of existing open space, however the site directly adjoins the extensive open space of Swanley Park to the north and the proposals would enhance the open space at the southern part of the site through introducing formal play space with associated new hard and soft landscaping. The proposals are appropriately designed with a density and site layout that sits comfortably within its context, and would preserve the living conditions of neighbouring properties while also provide good standards of amenity for future residents of the development.
- 202 Appropriate technical information has been provided relating, for example, to biodiversity, flooding and drainage, and conditions are recommended to secure appropriate measures are installed.
- 203 Overall, the proposals are considered to be policy compliant and it is recommended that planning permission be GRANTED.

Background Papers

Site and Block Plan, Proposed Plans.

Contact Officer(s): Claire Shearing : 01732 227000

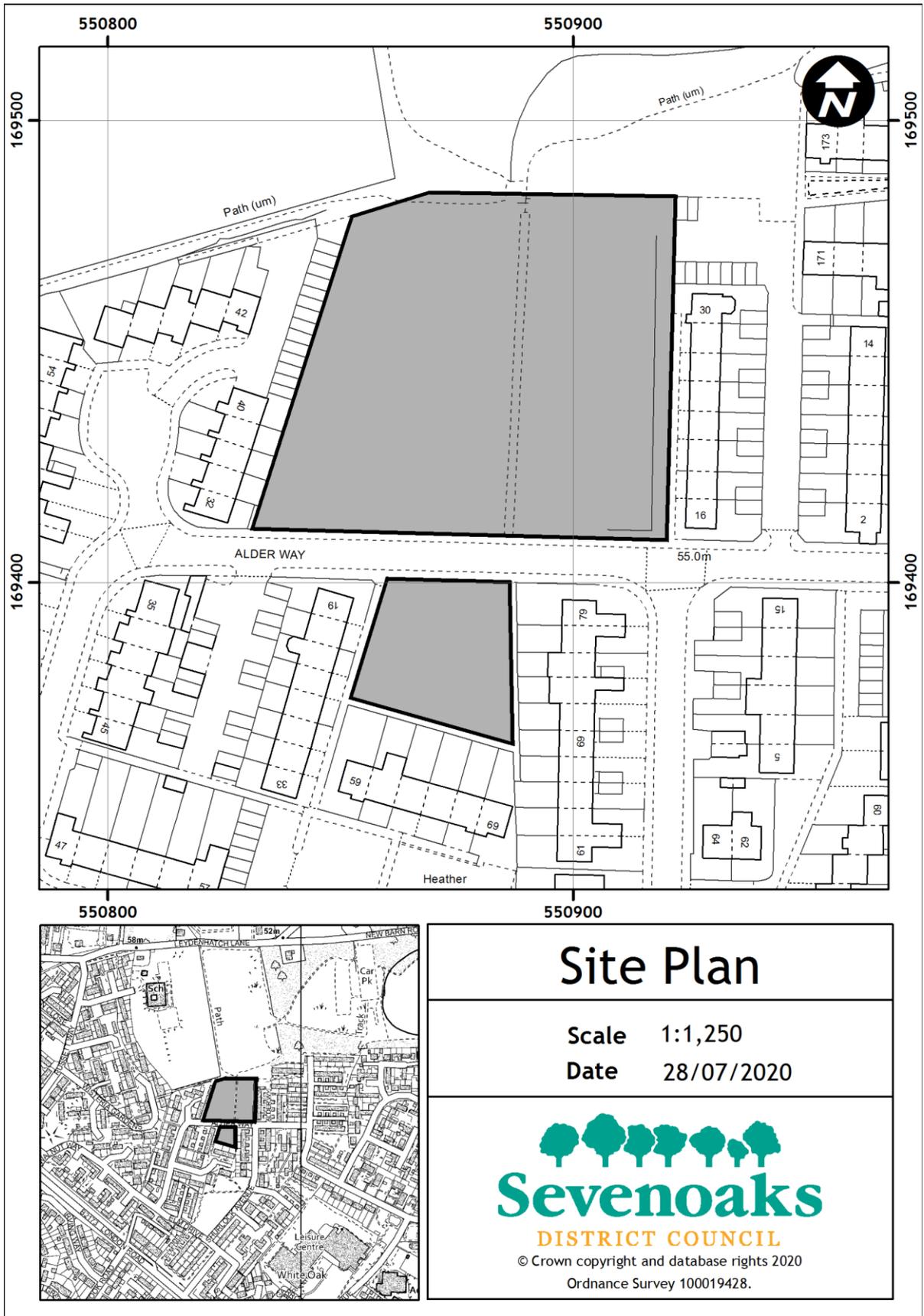
Richard Morris
Chief Planning Officer

Link to application details:

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

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q3QXR4BKFKK00>



Site Plan

Scale 1:1,250
 Date 28/07/2020



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 Ordnance Survey 100019428.

BLOCK PLAN

