

4.3 23/01534/FUL

Revised expiry date 17 November 2023

Proposal:

Removal of former car parking area and erection of 4 dwellings with associated drive and car parking.

Location:

Land Rear Of 26 To 32, Hever Road, West Kingsdown Kent TN15 6HD

Ward(s):

Fawkham & West Kingsdown

Item for decision

This application has been called to Development Management Committee by Councillor Harrison on the grounds of highway safety, parking and neighbour amenity.

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: 23-10-02 RevA, 03 RevA, 04 RevA, 06 and 07. In addition to following supporting documents: Noise Impact Assessment (231408).

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

3) No development including any works of demolition shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:(a) parking for vehicles of site personnel, operatives and visitors;(b) loading and unloading of plant and materials;(c) storage of plant and materials used in constructing the development;(d) programme of works (including measures for traffic management);(e) provision of boundary security hoarding;(f) measures to control the emissions of dust, dirt and noise during construction;(g) a scheme for the recycling/disposing of waste resulting from demolition and construction works(h) hours of operation.

To ensure the construction works mitigate against harm to the environment, ecology and neighbour amenity in accordance with policies EN1 and EN2 of the Allocations and Development Management Plan and SP11 of the Core Strategy.

4) No development above damp proof course level shall be carried out until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure 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.

5) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved hard landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained. The soft landscape scheme shall be implemented in the first planting season following completion of the development and thereafter retained.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) An external lighting strategy shall be submitted to and approved in writing prior to occupation of the development hereby approved. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing and no external lighting shall be installed except as agreed pursuant to this condition.

To preserve the character of the area and amenity of neighbouring residents in accordance with policies EN1 and EN2 of the Allocations and Development Management Plan.

7) The parking spaces on the approved plans shall be provided prior to first occupation of any dwelling and retained free of obstructions thereafter.

To accord with policy T2 of the Allocations and Development Management Plan.

8) The cycle parking provisions on the approved plans shall be provided on site prior to the first occupation of any dwelling and retained thereafter.

To accord with policy T2 of the Allocations and Development Management Plan.

9) Prior to development above damp proof course level an ecological enhancement plan shall be submitted to the Local Planning Authority for written approval. The plan shall include native species planting and ecological enhancement features to be incorporated in to the site and buildings. The measures specified in the plan shall be carried out in accordance with the approved details prior to occupation of the dwellings or in accordance with the timings set out within the approved plan.

In accordance with policy SP11 of the Core Strategy.

10) The noise mitigation measures as detailed in report 'Noise Impact Assessment 'dated 16/08/2023 by Sonic Element Ltd shall be implemented. Prior to occupation, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter.

To accord with policy EN2 of the Allocations and Development Management Plan.

11) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

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

12) Prior to the first occupation of any dwelling hereby approved details of any boundary treatments, including those that are to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those details.

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.

Informatives

1) 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.

2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted.

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 small parcel of land, laid to hardstanding and located to the rear of 26-32 Hever Road, a parade of shops with flats above and their garage en-bloc to the rear. The site is accessed via Hever Road, between number 24 and 26, and is currently used for parking overspill for the shops on an informal basis as the land is private.
- 2 The site is surrounded by existing residential dwellings and their gardens, save for the commercial retail units fronting Hever Road. The eastern and southern boundaries are defined by high boundary fencing/walls with high hedgerows/trees to residential gardens behind these. To the west, there is also high boundary fencing and some trees within the residential gardens.

Description of proposal

- 3 Permission is sought for the construction of four three-bedroom dwellings (or two-bedroom plus study) spanning from the northern border of the site to the southern border, and associated parking and landscaping.

Relevant planning history

- 4 None specific to the application site itself. There is, however, some history relating to parade of shops fronting Hever Road:
- TH/5/65/124 - Erection of two storey block of 4 shops with flats over.
 - TH/5/66/404 - Erection of two storey block of 4 shops with flats over.
 - TH/5/66/404A - Details of 4 shops with flats over.

Policies

- 5 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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 6 Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation

- 7 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Points.

Constraints / Designations

- 8 The following constraints apply:

- Village confines of West Kingsdown.

Consultations

9 West Kingsdown Parish Council:

“Objection -

1. This is a totally inappropriate development that would deprive the parade of shops of much needed parking space, which would have been a condition of the original planning permission. The photograph in the Design and Access statement showing 6 parked cars, confirms that the site is still used for its original purpose. The loss of this area would add to the daily chaos at the front of the shops and cause more vehicles to be parked on the yellow lines, thereby exacerbating the problems of restricted visibility when leaving the site.
2. The proposal for 4 no. 3 bedroom family houses, with only 1 parking space each, would constitute an over-development of the site. The fact that only 2 visitor spaces are provided would only add to this unsatisfactory situation and lead to more congestion at the front of the shops.
3. The proposal would be likely to result in a loss of privacy for the occupants of the surrounding bungalows. The development is so close to the southern boundary of the site that it would interfere with the roots of the conifers that overhang the boundary wall. The trees are quite old and it is likely that they would need to be removed in the not too distant future, thus detracting from the standard of privacy presently enjoyed by the occupants of those bungalows.”

10 KCC Highways:

“Thank you for your re-consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-

11 A revised plan has been submitted, which demonstrates the proposed parking is in accordance with Kent Residential Parking Standards (IGN3). Cycle storage has been provided for each dwelling. EV charging points are shown on the plan, however a charger is required for each dwelling and only 3 are highlighted on the submitted plan.

12 The proposal site is private land that has been used for ad hoc parking, the land is within the control of the applicant and can be closed to the public as they choose.

13 Consequently, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plan (23-10-06) prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of electric vehicle charging facilities for each dwelling prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Submission of a Construction Management Plan before the commencement of any development on site.”

- 14 SDC Environmental Health
- "The Noise Impact Assessment by Sonic Element Ltd has been reviewed. Appropriate methodology was followed and relevant standards were referred to.
- 15 Internal noise levels in accordance with those specified in BS8223:2014 can be achieved with appropriate mitigation which includes insulation to external walls and roof and also double glazing. Details of these and the required specifications are provided in section 9 – Mitigation. It should be noted that with windows open, the criteria in BS8233:2014 will be exceeded and a system type 4 Mechanical Ventilation and Heat Recovery (MVHR) system is recommended for all habitable rooms. It will also be important to ensure that noise from the MVHR system does not result in an increase in internal noise levels.
- 16 With regards to the external amenity areas (rear gardens), levels are in exceedance of the recommended level of 55dB(A) given in BS8233:2014 - daytime background noise levels measured were in the region of 63 dB(A). A two (2) metre high close boarded fence on the eastern and southern site boundaries with a minimum mass of 20 kg/m² is recommended in order to comply with BS8233. The existing garages will provide screening to the northern site boundary.
- 17 In order to ensure that the recommended mitigation measures are included in the build, an appropriately worded condition should be attached to any planning consent."
- 18 SDC Tree Officer:
- Request for a landscaping condition.
- 19 Thames Water:
- No comments to make.
- 20 Scotia Gas Network:
- Refer to standing advice, see full comments online.

Representations

- 21 15 letters of objection have been received relating to the following issues:
- Parking in the area is already an issue.
 - Further housing and loss of car park would exasperate the issue.
 - Two visitor parking spaces will mean no possibility of creating a rear access to neighbouring garden (no.22).
 - Overlooking from the proposed housing.
 - Currently quiet, building works will result in a lot of noise disturbance.
 - The village needs an official car park in the area.
 - Shoppers will go elsewhere and the parade of shops will lose business.
 - Doctors are already at capacity.

Chief Planning Officer's appraisal

- 22 The main planning considerations are:
- Principle of development;

- Impact upon the character and appearance of the area;
- Impact upon residential amenity;
- Highways and parking;
- Trees, landscaping and biodiversity;
- Planning balance

Principle of development

- 23 The proposal is for the construction of four dwellings in the centre of West Kingsdown. Policy LO1 of the Core Strategy seeks to direct new residential development to the built confines of existing settlements, the application site is located within the settlement confines of West Kingsdown and is therefore acceptable in this regard.
- 24 Policy LO7 states “Within the settlement confines of ... West Kingsdown infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available.
- 25 Within all the settlements covered by this policy new development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated”.
- 26 An assessment as to whether the proposal would protect the character of the area is carried out in the following sections of this report, using the design criteria of policy EN1 of the Allocations and Development Management Plan. However, in terms of quantum of development, the modest scale of four dwellings – within this infill parcel of developed land – is considered acceptable. In consequence, the proposal complies with policies LO1 and LO7 of the Core Strategy.
- 27 Turning to national policy, the NPPF at paragraph 120 states that substantial weight should be given to the value of using brownfield land within settlements for homes. The application site accords with both aspects of this – it is brownfield and is centrally located within an established settlement. This paragraph also requires that planning decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”. In this context, the text refers specifically to the potential for development on car parks and service yards.
- 28 Paragraph 124 promotes development that makes efficient use of land, taking into account the identified need for housing and other forms of development and the availability of land to accommodate it. Elsewhere, the NPPF highlights the important contribution make by small and medium sized sites to meeting housing requirements – paragraph 69 states that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
- 29 As highlighted in later sections of this report, there remains a significant unmet need for housing in Sevenoaks District, with the local authority failing to deliver the required five year supply of housing or meet its delivery targets over a number of years. The development would deliver four new dwellings that would contribute to meeting this overall need and to meeting the specific need within this part of the District for two and three bedroom homes highlighted within the Sevenoaks Targeted Review of Local Housing Needs (January 2022). The delivery of homes in this location is entirely consistent with national policy, and would further support sustainable travel modes that would limit future car use. I address parking and travel matters further in the

highway safety and parking section of this report. The loss of an informal, private car parking area is, nonetheless, supportable in this context.

- 30 In terms of national policy, the proposed development is supported in principle.

Impact upon the character and appearance of the area

- 31 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 32 The application site is a modest parcel of land laid to hardstanding to the rear of the parade of shops and flats and their garages. The site is informally used for car parking overspill, though it is private land, the land is not formally a public car park.
- 33 The site is partially visible through the gap between the bungalow of no.24 Hever Road and no. 26, which is the western end of the parade of shops. The majority of the site is tucked behind the garage en-bloc and the parade of shops thus limiting the visibility from the main road. Other potential vantage points include Multon Road, particularly from the cul-de-sac comprising numbers 7 to 13, and very oblique views from Hever Avenue to the east.
- 34 It is proposed to construct four dwellings in a small staggered terraced block, partially giving the appearance of two pairs of semi-detached dwellings. They span from the northern to southern boundary of the site, with the fronts and rear facing west and east respectively. The dwellings are typical two storey pitched roof dwellings, with a second floor within the roof space, and are proposed to be constructed from brick with tiled roofs.
- 35 The housing typology in the area is mixed, though there is a greater proportion of single storey bungalows in this area. The scale of the dwellings is considered acceptable having taken account of the screening of the site, the setback from the main road, the restricted visibility from public vantage points and the relationship to neighbouring dwellings. It is also noted that the development is located to the rear of an existing row of two storey development and thus the dwelling would not look out of place. A massing study was submitted to demonstrate that the dwellings would fit with the scale and massing of the area and preserve neighbouring amenity, as outlined later in this report.
- 36 In terms of materials, the development incorporates brick and tiles which is sympathetic to the character of the area. Details can also be secured via condition.
- 37 With regards to landscaping, the existing site is entirely hardstanding. The proposed development includes soft landscaping, comprising residential lawn and shrub/tree planting; a landscaping scheme to provide further details can be secured via condition. The development would enhance the visual amenity/aesthetic of the site through soft landscaping and would accord with policy EN1 in this regard.
- 38 It is noted that the southern boundary comprises a row mature conifers that sit outside the site, and that the new development would be sited close to the boundary. However, the tree officer has not raised any concerns and has confirmed via email that

due to them being sited on the other side of the boundary wall the proposed development would be unlikely to result in harm to or loss of the trees.

- 39 Limited information regarding artificial lighting has been provided. The site is not in the open countryside or a protected area; however, due to the site being surrounded by existing residential development it would be sensible to ensure a lighting strategy is conditioned to ensure any proposed lighting will preserve amenity.
- 40 Overall, the proposed development is considered to preserve the character of the area and any outstanding matters can be secured via condition. In consequence, the proposals accord with policy EN1 of the Allocations and Development Management Plan and SP1 of the Core Strategy.

Impact upon residential amenity

- 41 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 42 The application site is located within a mostly residential area and is surrounded on all sides by neighbouring occupants.
- 43 Flats above 26-32 Hever Road & 24 Hever Road
- 44 The proposed dwellings are over 15m away to the rear of 26-32 Hever Road and further still to the first floor flats which do not extend as far rearwards as the ground floor units. This separation distance would be sufficient to accord with the National Model Design Code and would preserve appropriate levels of privacy, outlook and light amenity for the neighbouring residents. The proposed dwellings would also not result in excessive noise disturbance; any noise impact is likely to be less than that of the existing air conditioning (AC) units to the rear of the shops.
- 45 As for number 24 Hever Road, a modest bungalow fronting the main road, this dwelling is directly adjacent to the access road/drive that leads to the application site, as is its garden. For the same reasons as above, the new dwellings would not result in an unacceptable loss of amenity through impacts on privacy, outlook or light levels. There may be some minor disturbance from traffic passing by the property; however, the number of trips for four dwellings is expected to be less frequent than the existing use of the site for informal parking throughout the day.
- 46 In terms of privacy for the neighbours fronting Hever Road, the proposed dwellings do not include any side elevation windows in the north side. Consequently, in conjunction with the aforementioned separation distances there will be no undue overlooking and subsequent loss of privacy for the neighbouring occupiers.
- 47 7 & 9 Multon Road
- 48 To the rear of the application site resides 7 & 9 Multon Road; the rear garden boundaries of these two bungalows adjoins the application site. A massing study was submitted to demonstrate that the siting of the two storey dwellings would not result in a loss of amenity for these neighbours. Due to the screening from the conifers and the separation distances only the tips of the roof pitches may be visible. As such the dwellings would not appear overbearing and dominant from either the rear gardens or

windows of these neighbouring dwellings and thus the amenity for the occupants will be preserved. There are no south facing windows in the proposed development.

49 81 & 83 Hever Avenue

50 The eastern boundary of the application site borders the rear gardens of 81 & 83 Hever Avenue, the proposed development will not result in a unacceptable loss of privacy, light or outlook for the residents of these properties due to the separation distances which are in excess of 40m, well in excess of that recommended by the National Model Design Code.

51 20 & 22 Hever Road and 1 Multon Road

52 The proposed dwellings are set to be located towards the middle of the site, in line with the middle of the garage en-bloc. Consequently, the dwellings would be over 20m from the gardens of 20 & 22 Hever Road and further still to the rear of 1 Multon Road. These separation distances are considered sufficient to preserve amenity. The distance to the rear garden of number 24 Hever Road is less, however the amenity garden area (first 5m from rear of the dwelling) is sufficiently located away to preserve amenity.

53 Other considerations

54 The concerns regarding construction vehicle parking and traffic are noted, and consequently a construction management plan has been conditioned. The construction management plan will require the developer to submit details for matters including (but not limited to) the parking of vehicles during construction, storage of materials, operating hours, and measures to control the emission of dust and noise.

55 The representations received regarding rear access to number 24 Hever Road are noted. The property does not currently benefit from any rear garden access, the occupier wishes to resolve this but this would necessitate a right of way onto the landowners land (now the application site). The visitor parking in within the area that could feature a rear garden gate. This is a civil matter and would require the neighbouring resident to make the necessary arrangements with the land owner. There would be sufficient space remaining to install a pedestrian gate. Nevertheless, this is not a matter for consideration in this planning application.

56 Amenity for proposed occupants

57 Turning to the amenity for the proposed occupiers, the dwellings all accord with the nationally described space standards for internal space and are acceptable in this regard. Each dwelling has access to private outdoor amenity space and the dwellings would not be subject to unacceptable levels of overlooking and loss of privacy. As for internal light and ventilation, the dwellings are orientated so that the rear garden face east, and internally the primary habitable spaces are located to the rear of the dwellings, resulting in ample sunlight.

58 Due to the location to the rear of the parade of shops the dwellings could be exposed to noise disturbance from the existing AC units and other plant/equipment. Having undertaken a site visit, the noise from the AC units was apparent, though reduced when within the application site to the rear of the garage en-bloc in the location of the proposed dwellings. A Noise Impact Assessment was subsequently requested, the submitted assessment details required mitigation measures which the Council's Environmental Health Officer has confirmed is sufficient, subject to conditions.

59 Overall, the proposed development is considered to accord with policy EN2 of the Allocations and Development Management Plan.

Highways and parking

60 Paragraph 111 of the NPPF states that 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.

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

62 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety. Policy T2 of the ADMP relates to vehicle parking and policy T3 requires the provision of electrical vehicle charging points.

63 The application site has an existing access from Hever Road, the access runs between numbers 24 and 26. KCC Highways has raised no concerns regarding the safety of the access.

64 The main issue as seen in the representations made on the application is the loss of parking. While the site is informally used for parking for visitors of the parade of shops as a 'spare', unused parcel of land; however, the land is, and has seemingly always been, private land. The site is therefore not an official car park and could be closed off to the public at any time by the land owner; the fact it has not to date and that it has been used for parking for a long time does not change this fact. KCC Highways have confirmed this in their comments.

65 In light of the above, there is no loss of formal parking, with alternative parking spaces provided in front of the shops and in the on-road parking bays on Hever Road. Where necessary, on-street parking may be found further afield, but a short walk from the shops where there are no restrictions. It is accepted that, where parking spaces are occupied, this may cause some inconvenience – this is not, however, considered to represent unacceptable harm.

66 Moreover, the benefits of delivering additional housing in a sustainable urban location are considered to justify the loss of an informal parking area. It must be recognised that the site is located within an urban area close to the village centre where housing development is strongly encouraged by national and local policies, particularly in light of the current lack of housing supply, and where it would be an efficient use of previously development land in accordance with paragraph 124 of the National Planning Policy Framework. As referenced above, the proposal is also supported by policies LO1 and LO7 of the Core Strategy as it seeks to site development within existing settlements, and in this case a sustainable location that is in close proximity to services, shops, and public transport – including a bus stop directly in front of the parade of shops. The parade of shops may have a loss of some informal parking; however, again due to the village centre location they are accessible in multiple ways.

67 It is noted that the original development of 26-32 Hever Road had two planning applications in the 1960s, with the 1965 planning permission (TH/5/65/124) including a condition that the area to the rear (the current application site) be retained for parking. This permission was superseded by the one in 1966 which did not include the same condition. There is, therefore, no formal requirement to retain the site as parking as a

requirement of planning permission. The current application site as outlined above is not a formal car park and the use to date has been informal.

- 68 Turning to parking for the proposed dwellings. The proposal is for 4x two or three bedroom properties, with the third room being a study or bedroom. This would be down to the occupiers. On the basis all dwellings are three bedroom properties, policy T2 of the Allocations and Development Management Plan would require 1.5 spaces per dwelling, one to be allocated to each new property and the remaining 2 (total) to be unallocated. The proposed site plan shows a total of 6 spaces and thus the development accords with this policy, as confirmed by KCC Highways who have raised no objections in terms of parking. I note that the parking requirement for two bedroom dwellings is one space per dwelling.
- 69 It is noted that the application site is a very sustainable location with shops and services in close proximity and a bus stop directly in front of the shops with direct routes to Swanley town in less than 20 minutes. In light of this, the proposed parking is considered sufficient. It is also noted that purchasers of the properties would be less likely to have (and discouraged from purchasing) multiple cars if they are aware the dwellings do not feature multiple parking spaces and due to the village centre location of the site.
- 70 Policy T3 of the ADMP requires all new dwellings to have EV Charging facilities. The site plan does detail some provision of EV charging facilities, however further details can be secured via condition.
- 71 Overall, the proposed development will accord with policies T1 to T3 of the Allocations and Development Management Plan and the relevant sections of the NPPF.

Planning balance

- 72 Paragraph 2 of the NPPF states that, as set out in planning law, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For those policies that are out of date, they should be given less weight, to the extent that they are out of date (in accordance with paragraph 210 of the NPPF).
- 73 Paragraph 11d of the National Planning Policy outlines that in decision taking a presumption in favour of sustainable development means: “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 74 The Council’s Local Plan is out of date for some of the most important policies (i.e. housing) and the Council is also unable to demonstrate a five-year housing supply, thus the tilted balance is engaged for this proposal. In addition to this, the Housing Delivery Test shows that the Council is only delivering 62% of the five-year housing supply. The shortfall of housing supply is therefore given significant weight.
- 75 Accordingly, due to the location of the development within the settlement confines of West Kingsdown a presumption in favour of sustainable development must be taken such that planning permission must be granted unless, under the terms of paragraph 11d of the NPPF, the benefits of doing so would be significantly and demonstrably

outweighed by harm identified. The application site is not located within a protected area as outlined in footnote 7 such as Green Belt or AONB.

- 76 In this case a potential harm identified is a loss of parking. For the reasons outlined above, the parking exists only as an informal arrangement, and I consider the harm from the loss of this parking area to be minor. Nevertheless the loss and any subsequent harm is factored into the planning balance.
- 77 The application site is located within the village centre, it is brownfield site as opposed to green or undeveloped parcel of land – in this case the development is in the form of hardstanding across the entirety of the site. Paragraph 124 of the NPPF encourages efficient use of land, which this development would be. Weight is also afforded to the sustainable location, the sympathetic design and materials, and the location away from any Green Belt land. Moreover, due to the site being laid to hardstanding, it is largely devoid of any ecological value. The redevelopment of the site with some soft landscaping will enhance the biodiversity and ecological value; this is also afforded weight.
- 78 In summary, the tilted balance is engaged and the minor harm is not considered to outweigh the benefits and the presumption in favour of sustainable development.

Community Infrastructure Levy (CIL)

- 79 The development is CIL liable, a liability notice will be issued separately.

Conclusion

- 80 The proposed development is considered acceptable in principle, it will contribute to the delivery of new homes in the District in a highly sustainable location, preserve the character of the area and the amenity of existing future residents. There will be no loss of highway safety. The presumption in favour of sustainable development is engaged and I find no significant and demonstrable harms that would outweigh this presumption. The development is considered to accord with policies LO1 and LO7 of the Core Strategy, policies EN1, EN2 and T1 to T3 of the Allocations and Development Management Plan, the NPPF and relevant supplementary planning guidance.
- 81 It is therefore recommended that this application is granted.

Background papers

- 82 Site and block plan

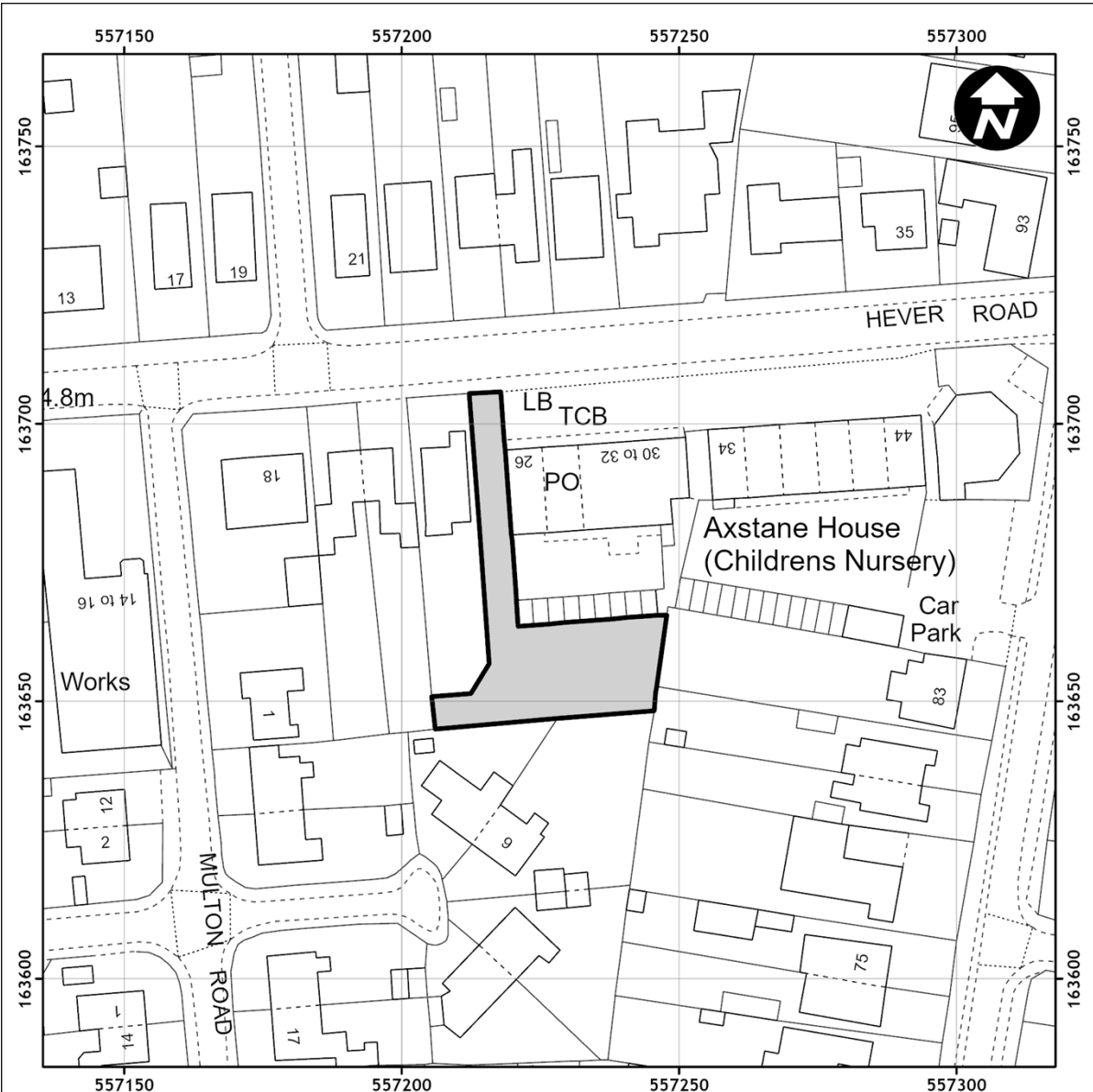
Contact Officer(s): Ashley Bidwell

01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 20/10/2023

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Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN

