

## Application report

<b>Application Reference:</b>	23/03276/OUT	<b>Date of report:</b>	15/12/2023
<b>Proposal:</b>	Outline application for subdivision of the plot and erection of a new detached dwelling with some matters reserved.	<b>Case officer:</b>	Ashley Bidwell
<b>Address:</b>	Greenwood Lodge, Birchwood Road, Swanley, Kent, BR8 7QA		

### Description of site

The application site is a small parcel of land located to the west of Birchwood Road within the confines of Swanley Town. The site is accessed via a long driveway serving Greenwood Lodge which connects to public right of way DB31 that serves four other properties. The site is within the settlement confines of Swanley, it is surrounded by other residential properties including 10, 11, 12 and 18 Pucknells Close and Greenwood Lodge itself. The site forms the edge of the settlement, with the open countryside and Green Belt extending to the west. There are four tree preservation orders on/adjacent to the site also.

### Description of proposal

Outline permission is sought for the construction of one dwelling, all matters are reserved except access and layout. Some elevation drawings have been submitted for context, however design, scale and landscaping are all reserved.

### Relevant planning history

- 09/01755/FUL - Proposed demolition of existing prefabricated 2 bed dwelling and replaced with new 2 bed bungalow. Granted.

### Constraints

- Swanley Urban Confines.
- Tree Preservation Orders x4

- Public Right of Way DB31.

## **Policies**

### 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: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.

### Core Strategy (CS)

- SP1 Design of New Development and Conservation
- LO1 Distribution of Development
- LO4 Development in Swanley

### Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact

- T2 Vehicle Parking
- T3 Electric Vehicle Charging

## **Consultations responses**

### Swanley Town Council:

No objection -

Recommend that a Construction Management plan is implemented. Parking and public rights of way must not be obstructed. Tree Preservation Orders must be retained. Confirmation is required that the parking spaces are owned by the applicant. Heritage Assets must be preserved.

### SDC Environmental Health:

No objection to this application. Although the site is close to the Birchwood Road/London Road Air Quality Management Area (AQMA No 14), the proposed development is unlikely to have an impact. Air quality is therefore not a consideration. The following is recommended.

#### *Construction Environmental Management Plan*

That a condition requiring a Construction Environmental Management Plan is attached to any permission. This is to minimise the impact of the demolition and construction works on other residential properties in the area. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. There should be no burning whatsoever on site.

#### *External Lighting*

Any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".

### Dartford Borough Council:

I refer to the above application which has now been considered by the Borough Council and wish to thank you for the opportunity to comment thereon.

Dartford Borough Council have no comments on the proposal as it considered that issues such as impact on protected trees, visual amenity or the highway network are matters for Sevenoaks to consider.

There is a PROW DB31 - byway situated along the access track to the north of the site, runs east-west and joins up with Birchwood Road to the east. It is advised KCC PROW should be consulted as part of the application.

The Borough Council would wish to raise no objection to the proposals.

Kent County Council - Public Rights of Way:

I can confirm that I do not have any objections to the above planning application at Greenwood Lodge. Byway Open to All Traffic DB31 runs horizontally to the north of the property. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

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. 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 Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) 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.

#### Thames Water:

No comments to make.

#### **Representations**

2 letters received neither supporting or objecting to the proposal, the following matters have been raised:

- Public Byway/Right of Way used by several other properties who financially contribute to its maintenance.
- Request that any deterioration during construction is repaired.

#### **Planning appraisal**

The main planning considerations are:

- Principle of development;
- Impact on the character of the area;
- Neighbouring amenity & future occupiers;
- Highway safety and parking;

#### **Principle of development**

Legislation states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

Paragraph 11 of the NPPF confirms the presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise.

The same paragraph advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs (now known as National Landscapes), designated heritage assets and more. Otherwise, planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The NPPF seeks to significantly boost the supply of homes and ensure that a sufficient amount and variety of land can come forward where it is needed. This should be informed by local housing needs assessments, which should also identify the size, type and tenure of housing needed for different groups in the community and provide for affordable housing where it is needed.

The application site lies within the built confines of Swanley. Swanley is defined as the secondary focus for development within the District in the Council's Core Strategy. Policies L01 and L04 of the Council's Core Strategy (CS) seek to focus development within the existing built confines. Policy L04 states that... *"In Swanley provision will be made for approximately 660 dwellings (2006-2026) throughout the town on a range of sites suitable for residential use within the urban area."*

In light of the above, the principle development in this location is supported by policy. Due to the development being for only one dwelling, the mix of dwelling type i.e. bedroom numbers is of limited relevance. Moreover, as the proposal is in outline stage the scale of the dwelling is not for assessment at this stage. Nevertheless, given the size of the plot and having had some regard for the drawings as submitted, it is reasonable to expect the dwelling would be three or four bedroom dwelling. The Council's Targeted Review of Local Housing Needs (2022) outlines how the north west of the district has a greater need for three and four bedroom dwellings. Therefore, the proposed dwelling type is considered suitable for this location.

#### **Impact on the character of the area**

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.

The application site is located towards the west of Swanley and its settlement confines, and where the town meets the open countryside. The site is quite verdant and free from development, save for the areas of hardstanding, however it is clearly surrounded by other residential development and is therefore not unsuitable for such development. The area comprises of a range of property types and architectural styles, with the modern housing development of Pucknells Close to the south and a lower density of dwellings accessed from the public byway with larger plots and gardens.

The current application is at outlined stage with all matters except access reserved. Consequently, the design, scale and landscaping of the development would be subject to future reserved matters applications. In light of the above it is considered that the site is suitable for the siting of one dwelling and would accord with policy EN1 of the Allocations and Development Management Plan.

#### *Trees and landscaping*

Whilst landscaping is a reserved matter it is noted that the proposed dwelling will be situated in close proximity to trees protected by tree preservation orders. There are two between the site and Greenwood Lodge, on the southern boundary (the boundary with Pucknells Close), one to the northern boundary, and another two adjacent to the existing driveway. The latter two would be unaffected by the proposal as the driveway is also in use, and the intensification of said use from one dwelling would not be unreasonable. As for the two on the southern boundary, the proposed dwelling would be situated towards the southwest corner of the plot and as far from the root protection/canopy area of the nearest tree. It will be within

less than 5m, however it is considered that a tree protection plan would be sufficient to ensure no damage to/loss of this tree during construction.

### *Lighting*

It is not clear at this stage whether there will be any external lighting. Given the siting next to the open countryside any external lighting could have an impact on its character, as such a lighting strategy condition will be included.

### **Neighbouring Amenity & Future Occupiers**

Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development and for neighbouring occupiers.

Again due to the outline stage of the application the impact on neighbouring amenity is not fully assessable. However, at this stage the proposal appears to site the dwelling over 13m from the nearest part of the rear elevation of the nearest dwelling (10 Pucknells Close). This separation distance is considered reasonable to preserve amenity and it is noted that as currently proposed the two dormer windows on this elevation facing the neighbours will be obscured. The roof height is also markedly lower at this point of the dwelling also.

There is a notably level change for Greenwood Lodge itself, this neighbour is situated at a higher level than the application site and therefore any impact on light will be lessened. This is the same for some of the Pucknells Close properties, for example 11, 12 and 18. Number 10 however appears to be at a similar level to the application site though for the reasons outlined above i.e. separation distance, roof height, and obscured glazing the dwelling will preserve light and privacy amenity.

The proposed dwelling will also provide adequate amenity for the proposed occupiers. It will accord with the nationally described space standards, have access to a reasonable level of outdoor amenity and natural light.

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



## **Highway safety and parking**

Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

The proposed dwelling will be accessed via the existing drive that serves Greenwood Lodge, this drive itself adjoins/uses the public right of way DR31. The Public Rights of Way Officer at Kent County Council has not raised any objections, nor have the Local Highway Authority. It is considered the minimal increase in use of the public right of way will not result in a loss of safety for all users.

The representations received regarding damage to the public right of way during construction are noted, it is considered that this can adequately be dealt with through a clause in a construction management plan condition. As such the proposed development is considered acceptable in terms of highway safety and therefore accords with policies EN1 and T1 of the Allocations and Development Management Plan.

In terms of parking, the proposed dwelling would require two parking spaces to accord with policy EN2 of the ADMP. The proposed plans show this, and there is adequate space for turning. No cycle parking is shown, however this would be a matter for future reserved matters applications.

## **Community Infrastructure Levy (CIL)**

As the proposal is at outline stage it is not CIL liable.

## **Conclusion**

The principle of the development of the site is considered to be acceptable in terms of policies LO1 and LO4 of the Core Strategy. The development would not be harmful to neighbour amenity and there are no other issues that could not be addressed by

appropriate conditions. The development would preserve the character and appearance of the area. This development would comply with the aims and objectives of the development plan and there are no other material considerations to indicate otherwise.

### **Recommendation**

It is therefore recommended that this application granted

Case officer: Ashley Bidwell

Date: 15/12/2023

Manager/Principal: A Salter

Date: 3.1.24