

DEVELOPMENT CONTROL COMMITTEE

08 August 2013 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winsler, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. **Minutes** (Pages 1 - 10)
To approve the minutes of the meeting of the Committee held on 17 July 2013, as a correct record.
2. **Declarations of Interest or Predetermination**
Including any interests not already registered
3. **Declarations of Lobbying**
4. **Planning Applications - Group Manager - Planning's Report**
- 4.1. **SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ** (Pages 11 - 50)
Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping and erection of petrol filling station.
- 4.2. **SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB** (Pages 51 - 96)
Demolition of existing buildings and redevelopment of the site as a foodstore with vehicular access improvement, widening of public footway, extension of public cycleway, servicing, car parking areas and landscaping.

- 4.3. **SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE** (Pages 97 - 110)
Demolition of existing bungalow. Erection of part two/three storey detached 5 bedroom house with solar panels to south elevation, garage and parking.
- 4.4. **SE/13/00481/FUL - New Beacon School, Brittain's Lane, Sevenoaks TN13 2PB** (Pages 111 - 126)
Proposed new vehicular crossover to Brittain's Lane.
- 4.5. **SE/13/00360/HOUSE/ - Moorcroft Place, Mapleton Road, Westerham TN16 1PS** (Pages 127 - 152)
New fencing and CCTV camera installation (retrospective).

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 5 August 2013.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.

- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 17 July 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Brown, Clark, Cooke, Mrs. Davison, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Walshe

Apologies for absence were received from Cllrs. Mrs. Ayres, Brookbank, Mrs. Dawson, Dickins and Underwood

(Cllr. Miss. Thornton in the Chair)

27. Minutes

The minutes of the meeting of the Committee held on 11 July were tabled for Members' consideration and the Chairman provided time for Members to ensure they had read the document.

Resolved: That the minutes of the meeting of the Development Control Committee held on 11 July 2013 be approved and signed by the Chairman as a correct record.

28. Declarations of Interest or Predetermination

Cllr. Edwards-Winser clarified that he was Chairman of Otford Parish Council and was familiar with items 4.4 - SE/13/01124/FUL - Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX and 4.5 - SE/13/01143/LBCALT - The Chantry, The Green, Otford, Sevenoaks TN14 5PD. He stated that he had kept an open mind on the applications and would take part in the debates and votes.

29. Declarations of Lobbying

All Members of the Committee present declared that they had been lobbied on items 4.1 - SE/12/02799/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH and 4.2 - SE/13/00787/HOUSE - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH.

Reserved Planning Applications

The Committee considered the following planning applications:

30. SE/12/02799/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

The proposal sought retrospective permission for the demolition of the previous bungalow and prospective permission for the erection of a two-storey detached dwelling with parking facilities. The dwelling would be set 14m from the highway oriented more to the frontage than the previous bungalow. It would use the existing access to the site.

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The site was to the north of Seal Hollow Road with a bank and mature vegetation to the front. The site sloped from east to west and from south to north. It was within the built confines of Sevenoaks.

The report advised that the proposed dwelling would preserve the character and appearance of the street scene and neighbouring amenity.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Mrs. Dally
For the Application:	Mr. James
Parish Representative:	Cllr. Clayton
Local Member:	-

Members were directed to a statement submitted by Cllr. Mrs. Purves.

In response to a question Officers confirmed that neighbouring Thornwood had been extended since the extracted site plan used in the agenda. There were no windows sited on the projections facing from the previous Sealcot bungalow towards Thornwood, but only in the recess between those projections. The closest part of the Sealcot bungalow had been sited less than 1m from the boundary whereas the proposed dwelling would be 3.4m. Neighbouring Thornwood was approximately 2m from the boundary.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

It was suggested the development would not detrimentally affect the street scene. Overlooking to the south would be masked by soft landscaping and fencing.

Some concern was raised at potential overdevelopment of the site contrary to the Residential Character Area Assessment, the destruction of boundary vegetation and also the higher slab levels when compared to neighbouring Thornwood.

Cllr. Walshe moved and it was duly seconded that any approval of soft landscaping under Condition 3 only be after consultation with local Members. This amendment was put to the vote and CARRIED.

Cllr. Walshe proposed that slab levels match the front slab level of Thornwood. This was not seconded.

The motion as amended was put to the vote and it was -

Resolved: 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) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. 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 District Local Plan.

3) Notwithstanding the details submitted no development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council after consultation with local Members. Those details should focus in particular on the frontage of the site and both side boundaries, and shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Soft landscape works shall be carried out before first occupation of the dwelling. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

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

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) The first floor windows in the northern and southern flank elevations of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

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To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) Notwithstanding the information submitted, no development shall take place until details of the proposed slab level of the approved house and any changes in levels on the site 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.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

11) No development shall be carried out on the land until details relating to an intrusive investigation of the garden area to the rear of the property carried out by a suitably qualified environmental specialist has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommended remediation that should be undertaken prior to the occupation of the dwelling.

To avoid pollution as supported by The National Planning Policy Framework.

12) No development shall commence on site until a Construction Phase Management Plan has been submitted to and agreed by the Local Planning Authority. The Plan shall show the location of any site office, contractors' parking and compound for storage, together with proposals for the delivery of goods and removal of surplus, control of large goods vehicle movements and the protection of property and highway, and the cleaning of the wheels of vehicles leaving the site.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

13) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as

agreed in writing by the Local Planning Authority. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in the National Planning Policy Framework and policy SP2 of the Sevenoaks District Core Strategy.

14) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/6, SEALC/7, SEALC/8, SEALC/R/10B (not including the garage), SEALC/R/11A (not including the garage), SEALC/R/12B, SEALC/13A, and 6317se-03 Revision.

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

Informatives

1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

31. SE/13/00787/HOUSE - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

The proposal was for the erection of a detached single-bay garage outbuilding. The building would be located to the front of the site, in the south-east corner, adjacent to the boundary of the neighbouring property to the south, Thornwood.

The site was to the north of Seal Hollow Road with a bank and mature vegetation to the front. It was within the built confines of Sevenoaks.

The report advised that the proposed garage building would preserve the character and appearance of the area, neighbouring amenity and highways safety, and would provide sufficient parking.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Mrs. Dally
For the Application:	Mr. James
Parish Representative:	Cllr. Clayton
Local Member:	-

Members were directed to a statement submitted by Cllr. Mrs. Purves.

In response to a question Officers confirmed the garage would be open-fronted. Kent Highways Service would be consulted on any landscaping works, so that they could

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consider whether there was sufficient space to the front of the property to accommodate a further vehicle without having to access the main road in reverse gear.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

The local Member, on the Committee, felt that the proposal could be considered as overdevelopment contrary to the Residential Character Area Assessment. He felt there would be insufficient screening from the road.

Members noted the garage was parallel to the front of neighbouring Thornwood.

The motion was put to the vote and it was –

Resolved: 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) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the Council. 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 District Local Plan.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-layout of areas of hard standing (identifying existing areas of hard standing to be retained, new hard standing and the finish of new hard standing);-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The extent of the hard standing shall be sufficient to enable vehicles to turn and exit the site in a forward gear and to provide for a second parking space.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Hard and soft landscape works shall be carried out before first use of the outbuilding. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

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

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until full details of the tree protection measures for the existing trees along the front of the site have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To secure the retention of the trees and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

8) The garage and area of hard standing to the front of the site shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garage and area of hard standing to the front of the site.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

9) Notwithstanding the information submitted, no development shall take place until details of the proposed slab level of the approved garage and any changes in levels on the front of the site 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.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/G1 and SEALC/R/10B (not including the house).

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

32. SE/11/01572/FUL - The Grove Cafe, The Grove, Swanley BR8 8AJ

The Committee was informed that this item had been withdrawn from the agenda.

(Cllr. Williamson present and in the Chair)

33. SE/13/01124/FUL - Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX

The proposal sought approval for the demolition of the existing dwelling and the erection of a replacement dwelling located to its east. The proposed dwelling was L-shaped and to be built into the site. It would be arranged over two floors, with a subterranean basement, a garage area and an additional carport.

The site consisted of a two-storey detached dwelling located to the western boundary of the plot. The site sloped reasonably steeply upwards from west to east and from south to north. The site was internally fairly open. It was in the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty (AONB) and an area of archaeological potential. A Site of Nature Conservation Interest covered most of the site and a site of Special Scientific Interest was adjacent to the site.

The report advised that Officers considered the development to be inappropriate development in the Green Belt. The very special circumstances advanced were not considered to clearly outweigh the harm to the Green Belt.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. Drake
Parish Representative:	Cllr. Whitehead
Local Member:	-

Members were directed to a statement submitted by Cllr. Ms. Lowe.

The public speaker for the application confirmed that the proposed dwelling would be grey-clad. Officers confirmed the exposed south elevation would have an elevation of 8m. The archaeological advisor had seen pictures of those works already carried out on site.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission subject to conditions be adopted.

Members noted the comments from the parish council that they considered the development to be an improvement on the application approved under permission SE/11/02762/FUL. There were fewer windows, the colour was less stark and the grassland management would result in an improvement for the AONB.

Members felt the new location would be very prominent and so would result in a material increase in the harm caused to the Green Belt. It appeared as a block on very open landscape. More work was needed on the design.

The motion was put to the vote and it was -

Resolved: That planning permission be REFUSED for the following reasons:-

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. The Council does not consider that the special circumstances put forward in this case are sufficient to clearly outweigh the harm to the Green Belt in principle and to its openness. The proposal is therefore contrary to policies H13 of the Sevenoaks Local Plan, LO8 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

(Cllr. Brown was not present for the consideration of the remaining item)

34. SE/13/O1143/LBCALT - The Chantry, The Green, Otford, Sevenoaks TN14 5PD

The proposal was for alterations to a Grade II* listed building including internal alterations and the installation of two external velux roof lights in the roof slope of the right flank elevation.

It was noted that the principal objections raised, particularly from the parish council, concerned the rooflights. The rooflights would be conservation style, flush with the building and not coloured, and each would measure 0.3m by 0.7m. They would be set 1.4m above the eaves, approximately half way to the ridge.

The site was in the centre of Otford village, on the green and next to the war memorial and St Bartholomew's Church. The Grade II* listed building dates its timber frame back to the fourteenth century and was extended in the sixteenth and seventeenth centuries. It is sited in a Conservation Area and Area of Outstanding Natural Beauty and next to a public right of way.

The report advised that the proposal would not result in harm to the character or fabric of the Listed Building. Members' attention was drawn to the tabled Late Observations sheet, including the comments of the historical significance of the roof tiles.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	Cllr. Whitehead
Local Member:	-

Members were directed to a statement submitted by Cllr. Ms. Lowe.

Officers responded to Members' questions. It was believed the rooflights would be made with clear glass and the frames appeared to be thinner than regular velux rooflights and were apparently black.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

One Member suggested that the external modification was minor. Another commented that the antique fabric of the building was not affected by the proposals.

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Several Members felt strongly that the rooflights would be damaging to the character of the listed building. The style of windows was out of keeping with the building. The windows were visible when walking near to the site.

Members noted that under the National Planning Policy Framework any harm or loss to the listed building should require clear and convincing justification. They did not feel that the additional light provided by the rooflights was enough reason to outweigh the damage caused.

The motion was put and the Chairman declared the motion to be LOST.

It was MOVED by the Chairman and was duly seconded that Listed Consent be refused on grounds of the impact to the integrity of the listed building contrary to paragraph 132 of the NPPF and Policy EN23 of the Sevenoaks District Local Plan.

The motion was put to the vote and there voted –

7 votes in favour of the motion

2 votes against the motion

Resolved: That listed building be REFUSED. The proposed roof lights would fail to preserve the integrity of the listed building. The proposal had failed to demonstrate clear and convincing justification for the harm caused to the heritage asset by the development. This was contrary to paragraph 132 of the National Planning Policy Framework and Policy EN23 of the Sevenoaks District Local Plan.

THE MEETING WAS CONCLUDED AT 9.44 PM

CHAIRMAN

4.1 – SE/13/00134/FUL Date expired 26 April 2013

PROPOSAL: Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping. Erection of petrol filling station.

LOCATION: Land At Station Road & Fircroft Way, Edenbridge, TN8 6HQ

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This application has been referred to Development Control Committee as an officer call in due to its significant and controversial nature.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The capacity for out of centre retail provision would be met through the planning permission granted at land north west of the junction with St Johns Way, Station Road under SE/13/00935/FUL. In the absence of capacity for any further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal is considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF

The proposal would result in the loss of an unacceptable level of employment land contrary to policies EP8 and EB1 of the Local Plan, SP8 and LO6 of the Core Strategy, and the National Planning Policy Framework.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,

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- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

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Description of Proposal

- 1 Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping. Erection of petrol filling station.
- 2 The application proposes a new retail foodstore within the built up area of Edenbridge, approximately 900 metres from the town centre. The store will provide 5,016 sq m Gross Internal Area (GIA), which will comprise a net sales area of 3,096 sq m. This is to be split between 70% for the sale of convenience goods (which are widely distributed and relatively inexpensive goods which are purchased frequently and with minimum of effort, such as most grocery items),

and 30% of the floorspace for the sale of comparison goods (which are more expensive items that are brought less frequently such as electrical goods and clothing).

- 3 The store is shown as positioned towards the rear of the site although the store frontage will face Station Road. The store entrance is proposed to be located centrally, facing the customer car park.
- 4 A new four arm access roundabout is proposed at the existing T-Junction at Station Road and Fircroft Way. Access to the car park and petrol filling station will be via a dedicated arm of the roundabout. The store will be served by 295 car parking spaces, including 18 disabled bays and 12 parent and child bays, 21 cycle parking spaces and 6 motorcycle bays will also be provided.
- 5 The store will be serviced via a self contained service yard at the rear of the store, accessed off Fircroft Way. The layout of the service yard will enable delivery vehicles to enter and exit in forward gear. This is expanded upon in the accompanying Transport Statement. The proposal also includes the provision of four terminals for the use of Goods Online (GOL) vehicles.
- 6 The proposal also includes the provision of a petrol filling station (PFS) and supporting kiosk. The PFS will include four petrol pumps and will front the development along Station Road.

Legal Agreement

- 7 A draft unilateral undertaking has been submitted with the application and is currently under negotiation. To date it makes a number of provisions, some of which are material to consideration of the planning application as they address planning concerns, and some which are 'extras' which will have no bearing on consideration of this planning application:

Material items:

- No part of the area within the Store to be used for the sale of comparison goods shall be used for the sale of prescription optical or pharmaceutical items, fridges, freezers, washing machines, dishwashers and ovens.
- No part of the Store shall be used for concession space such as dry cleaners, key cutting service, shoe repairs, photographic services, opticians or post office counter services.
- To procure for a period of 3 years from opening, a bus service operating on three days each week between the hours of 0930 and 1430 between the Store and Edenbridge town centre to operate free of charge for customers of the Store
- Prior to opening, to procure satisfactory completion of the Off-Site Highway Improvements

Extra items:

- Prior to Opening for Trade to submit a Training and Recruitment Plan to the Council for approval and thereafter to implement the terms of the approved Training and Recruitment Plan to the Council's reasonable satisfaction.

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- To use reasonable endeavours during the construction phase of the Development to employ labour and subcontractors based within the Council's administrative area and to allow such companies to tender for the work if they so wish
- To use reasonable endeavours to ensure that recruitment for employment within the Store is targeted at those living within a 10 mile radius of the store and to give reasonable prior notice of vacancies to Edenbridge Town Council and Sevenoaks Edenbridge CXK Group and other appropriate bodies who are able to support such applicants
- Within 21 days from opening, an Information Display Area shall be provided within the foyer of the Store and thereafter maintained unless otherwise approved in writing with the Council.
- Within 21 days from opening, a Motorsport Heritage Wall shall be installed within the Store in a location to be approved by the Council and thereafter maintained unless otherwise approved in writing by the Council

Description of Site

- 8 The application site is located at the junction of Station Road and Fircroft Way. The 2.4 hectare site comprises a mix of land uses, which predominantly fall within business Use Classes. Retail use has been established on part of the site with the presence of the Bradford Electrical which fronts Station Road and consists of 567sqm.
- 9 There are six existing buildings on the site, which are of relatively poor architectural quality and contribute little to the local environment in terms of their appearance. Several of the premises are vacant. The buildings are surrounded by hard standing, and there is very little landscaping at present. The buildings consist of 23 units and are occupied as follows:
- | | |
|------------------------------------|-------------|
| 7 vacant units | - 4,284 sqm |
| 3 B1 units | - 1.109 sqm |
| 1 retail unit | - 567 sqm |
| 3 vehicle repair units | - 2558 sqm |
| Remaining units are B8 and B2 uses | - 3.336 sqm |
- 10 The site is allocated within the Sevenoaks Core Strategy under Policy SP8 'Economic Development and Land for Business'.
- 11 The site is bounded by Station Road to the West, Fircroft Way to the south, a railway line to the north and further "B" Class properties to the east. Edenbridge Railway Station lies opposite the site.
- 12 The predominant surrounding units are business uses. These include a mix of offices, trade counter units, warehouses and storage premises – all of which are around one to two storeys in height.
- 13 Beyond the railway line to the north, and the adjacent business premises to the east and south, lie residential properties. The Town Centre lies approximately 900 metres to the south of the site down Station Road.

Constraints

- 14 Flood zone 1 area
- 15 Designated employment land

Policies

Sevenoaks Core Strategy

- 16 Policies - LO1, LO6, SP1, SP2, SP8, SP9, SP11

Sevenoaks District Local Plan

- 17 Policies - EN1, VP1, EP8, EB1

Other

- 18 NPPF

Relevant Planning History

- 19 There are no planning applications of relevance to this application on the site.

Consultations

Edenbridge Town Council

- 20 Edenbridge Town Council has made the following comment:

'Members unanimously supported the proposal which confirms Edenbridge's role as a local service centre and meets the aspirations of the residents and business community. They believe it will prolong the life and benefit the High Street by retaining and attracting a higher number of shoppers in the local community.'

Concerns were raised over transport and access issues which will need to be looked at in relation to the accumulative impact, including the proposed, but not yet implemented, changes for the Eden Centre and the through routes via Mont St Aignan Way. It was suggested that Highways should be consulted to assess the benefit of moving the Zebra Crossing further north up Four Elms Road towards the Railway Bridge. Local members wish to be consulted on these issues and the landscaping of the proposed roundabout.

Members wish to draw attention to items 2.3 in both the Transport Assessment and the Transport Plan which propose sending HGV's through the small village of Hartfield instead of using the A264 from Colestock Crossing.

It was also suggested that consideration should be given to limiting the time that car park users could stay to avoid spaces being occupied by commuters.'

Environment Agency

- 21 The Environment Agency has made the following comment:

'Further to receipt of drawings 498-200 P1 and 4998-201 P2 from Leigh Fotiadis, of Mayer Brown, we are pleased to offer the following comments.'

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Flood Risk

It is likely an acceptable surface water drainage strategy which restricts surface runoff from the development to no more than the existing rate can be implemented as part of the development. However further detailed information will be required in this respect which should be provided as part of a condition of planning.

We remain concerned with the proposed means of dealing with the runoff which discharges to the site from the railway culvert at the north-east corner of the site. DWG 4998-201 P2 suggests a 150mm diameter pipe will be installed to connect this outfall from the railway to the existing surface water drainage in Fircroft Way. This is unlikely to be large enough to accommodate peak flows, a situation which will be made worse by the proposal to add additional discharge to it. Nevertheless, we believe acceptable revisions can be made as part of a planning condition.

We are therefore pleased to remove our objection to the proposal subject to the following condition.

Condition 1:

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason 1: To prevent an increased risk of flooding both on and off-site.

For information, the following specific issues should also be addressed in order for the condition to be discharged:

- An estimate of inflow entering the site from the railway culvert should be made, in order to assess the size of the proposed pipe needed to connect it to the surface water network on Fircroft Way;*
- A detailed network analysis to confirm proposed discharge will be no greater than the existing rate and that a sufficient volume of storage will be provided;*
- A 20% increased rainfall intensity should be used in the design to accommodate climate change.*

Groundwater Protection

Underground fuel storage should be undertaken in accordance with our Groundwater Protection: Policy and Practice (GP3). This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>, and with the

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Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011). The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.

Please ensure the infrastructure meets the industry best practice for petrol filling stations. There may be a requirement to carry out a site investigation at the site which focuses on the risk to human health.'

Kent Wildlife Trust

22 Kent Wildlife Trust has made the following comment:

'Thank you for the opportunity to comment on this application.

I have no objection, in principle, to the redevelopment proposals. However, I am concerned about the prospect of introducing significant and powerful illumination to a wide area of land close to a railway embankment.

The WYG study report makes the point clearly. "This (the vegetated railway corridor which runs outside but adjacent to the northern site boundary ... is a potential bat foraging and commuting route" (Executive Summary). On the basis of this conclusion the consultant recommends, amongst other matters, that light spillage onto this corridor should be avoided. I endorse this recommendation and urge the Council to require the submission, for approval/implementation, of lighting details for the car park and circulation areas of the site. The detailed proposals should demonstrate how this objective will be achieved.

On a second point, the development presents an excellent opportunity to use a 'green' or 'brown' roof bringing substantial biodiversity benefits to the heart of the town. Further details about green and brown roofs can be found at <http://livingroofs.org/about-livingroofs.org-living-roofs/gro-background.html> .

I urge the Council can secure both these measures by way of planning condition and/or planning agreement.'

Natural England

23 Natural England have offered the following comments:

'This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species...

...The protected species survey has identified that bats, a European protected species may be affected by this application...

...Box (i) - Using Nature on the Map we determined that No, the application is not within/close to a SSSI or SAC notified for bats. This took us to Box (v).

Box (v) - We looked at the survey report and determined that Yes, it did highlight that there are suitable features for roosting within the application site (eg

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buildings, trees or other structures) that are to be impacted by the proposal. This took us to Box (iv).

Box (iv) – We determined that No, whilst detailed visual inspections (internal and external where appropriate) had been undertaken, no evidence of a roost was found. This took us to Box (vii).

Box (vii) – We determined that No, the application does not involve a medium or high risk building as defined in our standing advice. This took us to Box (iii).

Box (iii) advises the authority that “Permission could be granted (subject to other constraints)” and that the authority should “Consider requesting enhancements”

KCC Ecology Service

24 Kent County Council Ecology Service have made the following comments:

Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.'

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice.

The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the bat survey which has been submitted in support of the planning application and we are satisfied with the result of the survey.

The railway embankment, which will not be directly impacted by the proposed development, has potential to be used by commuting and foraging bats.

As detailed within paragraph 4.2.2 of the Bat Emergence/Bat Return Survey we recommend that the lighting is designed to have minimal impact on the railway embankment. We advise that the Bat Conservation Trust's Bats and Lighting in

the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). This must be a condition of planning permission.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

The enhancements which have been detailed within the survey must be incorporated in to the site.

Kent Highway Services

26 Kent Highway Services has made the following comments:

On 22/2

27 *'Thank you for consulting with us about this application. I have the following initial comments:-*

1. All of the splitter islands on the approaches to the new roundabout need to have pedestrian provision - the latest drawings show provision only on the approach from Fircroft Way.

2. The forecasts of traffic generation and parking demand in the Transport Assessment appear to be too low. This is because the traffic forecasts are based on other stores which are not of similar size. The applicant has subsequently provided a supplementary "Sensitivity Assessment" which provides increased forecasts which it describes as a worst case. I would point out that still higher Saturday traffic forecasts can be made based on the most similar stores in the TRICS database (Weymouth, Welwyn and Ripon).

It is acknowledged that the road network is unlikely to reach capacity, however increasing the number of parking spaces to at least 300 and preferably 305 is strongly recommended. This could be achieved, for example, by using a more efficient arrangement of disabled parking spaces and trolley-parking. It should be noted that the supplementary "Sensitivity Assessment" appears to be incorrect in respect of predicted peak car park accumulation (Table 4.1). This estimates that the maximum accumulation of parking on a Saturday would leave just 29 spaces free (11 am-noon). However just 14 spaces are shown between 3pm and 4pm in the table on the penultimate page of the report. (And TRICS data for supermarkets at Weymouth, Welwyn and Ripon suggests there could be a deficit in parking provision on a Saturday afternoon.)

3. We are not convinced of the need to move the northbound bus stop and create a formal pedestrian crossing. The proposed position for the bus stop would be sufficiently close to the southbound bus stop to create conflicting traffic movements if northbound and southbound buses were at their stops at the same time.

4. Due to the increased number of customers travelling to the store on foot and by bus, there is a need to widen the adjacent footways of Station Road along the site frontage and at the northbound and southbound bus stops. Footway widths of 2.5 metres or preferably 3 metres would be considered appropriate.

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5. The access road to the store needs to have a footway on the east side, south of the crossing / covered footway marked on the application drawings.

Could you please ask the applicants if they would be willing to make the above improvements?’

On 13/3

28 After extensive discussions with the applicants to address highway issues, I have the following comments:

To facilitate access to the site the applicants are proposing (1) to rebuild the junction of Fircroft Way and Station Road to incorporate a roundabout and (2) provide a signalised pedestrian crossing over Station Road north of the roundabout.

I have requested several other highways improvements and the applicants have agreed to provide them. These include (1) widened footways on both sides of London Road, and (2) a layby for southbound buses.

There remains some uncertainty about the modelling of development traffic, as illustrated at the junction of Station Road and Four Elms Road. The applicants’ modelling does not demonstrate the fairly substantial but transient queues at this junction that can be seen in the evening peak period. One problem is that the available modelling packages (in particular PICADY) do not seem to be suited to modelling very variable levels of traffic, whereas flows on Station Road are “platooned” by factors such as traffic signals and pedestrian crossings. The applicants’ modelling does in fact imply that the proposed store will slightly reduce delays at the Station Road / Four Elms Road junction, and this has been explained by the store diverting vehicles away from the problematic right-turn from Station Road (south) to Four Elms Road.

I do not intend to raise any objections to this application, subject to a section 106 agreement for construction of off-site highway improvements to be built according to drawings to be submitted to and agreed in writing with Highway Authority. The off-site highway improvements are to include rebuilding the junction of Station Road and Fircroft Way to include a roundabout, a signalised pedestrian crossing across Station Road, widened footways on both sides of Station Road, a layby for southbound buses on Station Road and changes to the footway of Fircroft Way to create access to the proposed service yard.

I would also recommend a condition requiring the applicants to submit details of site access, parking and wheel washing during construction of the store.

Informative: the applicants will be required to enter into a Section 278 agreement with the Highway Authority in order to undertake any works on the public highway.’

On 22/7/13

29 Parking:

My response 22/2/13 stated: “increasing the number of parking spaces to at least 300 and preferably 305 is strongly recommended. This could be achieved, for example, by using a more efficient arrangement of disabled parking spaces

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and trolley-parking". Sainsburys declined to make these changes, they don't think it will be necessary. I recommended this as a "contingency" in case of high demand, there is no proof it would be required. It is likely that that if customers experience difficulties at particular times of the day, some would be likely to change the times they shop.

Servicing: I am not aware of any likely problems.

Accesses: . I do not anticipate any significant problems with the accesses.. We have had quite extensive discussions about the main access, resulting in revised drawings showing improved visibility, improved pedestrian refuges and tracked-path drawings for lorries. You will note that my response dated 28th May requested a planning condition for the applicants to clarify details of the site accesses, this should ensure that these refinements are all on the finally approved drawings

Traffic Movements:

You will recall we had extensive dialogue with the applicants about traffic forecast and junction modelling, resulting in a Supplementary Transport Assessment and two supplementary Technical Notes on Highways. Roads in the immediate vicinity will undoubtedly be busier than at present, but the forecasts / modelling do not show traffic levels high enough in the context of NPPF to justify any objection on highways grounds.

The proposed pedestrian crossing would be only 85 m from the railway bridge. The reason for Sainsburys to construct it is to help their customers cross the road from the bus stop to the store. It is not clear why there might be any net advantage in moving it north, assuming a suitable location could be found taking into account the road junction, driveways, bus stops and other constraints (e.g. visibility through the railway bridge).

It should be noted that the intended crossing would be signalised, it would not be a zebra. Due to visibility constraints (a bus stop on approach to a pedestrian crossing could create safety hazards) Sainsburys are prepared to create a layby for the bus stop on the southbound side of the road.

My understanding is that Sainsbury's delivery lorries would come from their Dartford depot on the M25, then via the A22 and B2028 (Lingfield). I am not aware of any proposal to route via Hartfield. If you have heard anything more about this please let me know; whose HGV's would they be?

Traffic congestion at the railway bridges

I would not expect any significant additional problems on Four Elms Rd; from this direction it would be a slightly shorter route to Sainsburys to drive via Swan Lane than via the Four Elms Rd railway bridge. People will probably use both routes.

Regarding the Station Road bridge at station, there would undoubtedly be more traffic using this bridge. However the only congestion would be when an HGV or other higher vehicle requires to use the centre of the road. This does not happen sufficiently frequently for it to become a significant problem; under normal circumstances it is not likely to be a "severe" issue in terms of assessments of highways impact under NPPF. '

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Sevenoaks Parking Services

30 Sevenoaks Parking Services have made the following comment:

'The plans submitted raise a number of points of concern or for clarification.

Bus stops on Station Road

The plans comment that the existing bus stops are to be relocated. This is not a problem per-se, but the opportunity should be taken to make these in to bus stop clearways to maintain access for buses.

Pedestrian Crossing on Station Road

The proposed pedestrian crossing seems to have a very short (possibly sub-standard) controlled zone on the northern side (southbound approach) ' this should be appropriately extended.

Parking restrictions on Station Road

The redevelopment of the store and the proximity of the petrol station could lead to an increase in 'pop-in' parking on Station Road. This should be discouraged by introducing new double yellow lines on both sides.

Parking should also be prevented around the roundabout as turning movements and visibility could be affected and up to (and through) the railway bridge as large vehicle alignment could be compromised.

Parking issues in Fircroft Way

Parking in Fircroft Way has been an issue for some time, with staff at neighbouring commercial premises frequently parking on-street. This can cause a problem for large vehicles. As the new store will need to be serviced by large vehicles, access should be protected by the use of double yellow lines on both sides.

Waiting zone for delivery vehicles on Fircroft Way

If the proposed 'waiting zone' is to be exclusively for delivery vehicles as part of a home delivery service then it should not be on the public highway and should be contained within the bounds of the site. If the area is for public access then a limited waiting restriction could be introduced, but this would not be supported as the enforcement time overhead associated with limited waiting parking would restrict activities elsewhere.

If the area is intended as a queuing point for large vehicles delivering to the store, then this could be introduced as a parking place for certain classifications of commercial vehicles, but this area could not be solely for the use of Sainsbury vehicles. As the neighbouring properties are all commercial this may result in the area being used by delivery vehicles to other premises.'

SDC Policy Team

31 Sevenoaks District Council Policy Team has made the following comment:

'Thank you for the opportunity to comment on this application.

The key strategic planning policy issues are considered to be:

- The retail impact on Edenbridge town centre; and*
- The principle of retail development on an allocated employment site.*

Retail Policies

Core Strategy Policy LO6 states that in Edenbridge, 'the mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained'. This supports the key aim for the town, which includes retaining 'the role of Edenbridge as a rural service centre with a successful town centre and regenerated employment sites'. Para 4.4.9 states that Edenbridge town centre provides a range of local shopping serving the town and surrounding area...The Retail Study Update suggests there is only limited scope for increasing convenience shopping provision. 'The emphasis will be on maintaining a consolidated town centre and seeking opportunities for further improvement within the town centre area'.

In relation to Edenbridge Town Centre, this is consistent with the aims and policies of the Local Plan which expresses concern over the limited catchment of the town, competition from neighbouring centres and the vulnerability of the centre to the potential impact from out of centre retail uses, which should be resisted (Policy EB1 applies).

The Planning Policy team considers that Core Strategy Policy LO6 is consistent with the NPPF, in particular the need to 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality', as set out in para 23.

Retail development is defined as a 'main town centre use' in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an 'out of centre' site.

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26);*

Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

At 5,016 sq m gross floorspace (of which 3,198 sq m is retail floorspace/net), the proposed store is above the 2,500 sq m threshold for an Impact Assessment and one has been submitted with the application.

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SDC has commissioned GVA to review the Retail Impact Assessments and Sequential Tests carried out by WYG for Sainsbury's (this application) and GL Hearn for Tesco (13/00935) and to also consider the cumulative impact of permitting the two stores.

GVA conclude that the development of two foodstores would have an unacceptable impact on Edenbridge town centre. Their conclusions on the two stores individually are therefore relevant to determining either application and a summary of both are set out below.

Sequential tests

In reviewing the two applicant's sequential tests, GVA note that the two sites are similar in terms of accessibility, with the Tesco store being marginally closer to the town centre (although still too far to facilitate linked trips) and the Sainsbury's store being closer to Edenbridge Station (although GVA question how many people travel by train for the purposes of food shopping). The Planning Policy team concur with the GVA conclusion that no sequentially preferable sites within or closer to the town centre exist in Edenbridge and do not consider that either store is preferable to the other in this respect.

Choice and range of goods

GVA indicate that the Sainsbury store will increase the choice and range of goods and increase local competition within the town and that this will be greater than the smaller Tesco store. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre.

Expenditure claw back

GVA state that the larger Sainsbury store will claw back more expenditure to the town than the Tesco store. However, whilst this is a secondary benefit in terms of reduced frequency and length of trips, this is not a stated planning objective for the town. Rather, the key aim is to protect the town centre and these proposals are not situated within the town centre nor do they have any stated direct benefits to it.

Retail Impact

Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole. In comparison, they estimate the diverted convenience and comparison expenditure of the Tesco store to equate to an overall impact of 11.7% on the town centre as a whole.

GVA consider that the Sainsbury's impact assessment over-estimates the amount of trade that will be drawn from surrounding areas and under-estimates the amount of trade that will be drawn from the Edenbridge area. As a result, they consider that the Sainsbury's assessment under-estimates the impact that the development would have on the Co-op and the Tesco Express, with WYG estimating these impacts at 35% and 25% respectively, whilst GVA estimate these impacts at 50% and 30% respectively. GVA highlight a recent appeal decision (in Basingstoke and Deane) where the Inspector concluded that a potential trade draw of 18.5% from the anchor Asda store would be regarded as

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a 'significant' impact on the district centre as a whole, not because the Asda store would close but as a result of a "dramatic change in footfall in the centre" as a consequence of trade diversion to the proposed store, although they note that no two applications are the same.

The household survey carried out to support the Sainsbury's impact assessment indicates that the Co-op is performing well and trading well above (c.52%) the company average, whilst the Tesco Express is found to be trading broadly in line with the company average. GVA estimate that the effect of the Sainsbury's development would be to reduce the turnover of the Co-op store to 18% below the company average by 2018 and the Tesco Express store to c.25% below the company average. GVA consider that neither of these stores would close but note that there would be an inevitable reduction in linked trips to the town centre. Taking the impact of the convenience and comparison floorspace to be developed through the Sainsbury's store into account, the forecast overall adverse impact of the Sainsbury's proposal on the town centre turnover will be circa 26.5%.

GVA state that the Sainsbury's proposal is 'just within the margins of acceptability'. This is due, in part, to the fact that Edenbridge town centre is considered to perform a 'wider than convenience (shopping) function and contains a number of key service uses which would be expected to continue to draw trips in their own right'. This is despite the fact that food shopping was cited as the main reason for visiting Edenbridge town centre in the results of Sainsbury's household survey.

GVA also note that the conclusions in respect of the impact of the Sainsbury's proposal are subject to risks, including greater than anticipated uptake of internet spending and/or slower than anticipated growth in expenditure, which could lead to greater impacts on the turnover of the town centre anchor stores. Also identified as a risk is the extent to which the Co-op store is currently over-trading and, therefore, the extent to which it can sustain a reduction in turnover without closing as a result of the development of an out of town centre competitor. In the context of this risk, GVA note that whilst the Sainsbury's household survey suggests that the Co-op's turnover is circa J11.8m at 2013, Tesco estimate the turnover of the store to be J7.8m at 2013, broadly in line with the company average, on the basis of their household survey. GVA have not been able to come to a view as to which turnover figure is more accurate and suggest approaching the Co-op (who have been unwilling/unable to release the figures on the grounds of commercial confidentiality, though they have objected to both planning applications) or commissioning a new household survey (which the Planning Policy team consider may produce a different answer but with no guarantee that it is more accurate). GVA state that 'if the Tesco forecasts are taken to be more realistic, we would be more concerned about the levels of impact estimated by Sainsbury's'.

GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store's turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and under-estimated the percentage of the store's turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco's assessment under-estimates the impact that the development would have on the

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Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%. Both of these figures are lower than the forecast impacts of the Sainsbury's store (35% from WYG and 50% from GVA), although GVA note that it is not possible to make direct comparisons between these figures as a result of the different approaches taken. Taking into account the small scale of comparison floorspace proposed at the Tesco store (130 sq m net), the impact of the store on the town centre as a whole is estimated by GVA to be approximately 11.7% (comparable with 26.5% for Sainsbury's).

In retail impact terms, GVA state that 'it is evident that by virtue of its lesser scale and turnover that the proposed Tesco will have less impact on Edenbridge town centre than the Sainsbury's', which is considered to be 'just within the margins of acceptability'.

Given that GVA recommend that the impact of the two stores together would be unacceptable but that either could be permitted, a decision between the two must be made.

In terms of retail impacts, in favour of the proposed Sainsbury's is that it will be expected to bring about a greater claw back of trade into Edenbridge and achieve a greater reduction in car-borne trips than the proposed Tesco, as a result of its greater scale and anticipated retail offer, including the greater comparison goods offer. However, GVA question the extent to which this should be a determining factor. The Planning Policy team concur with this point, given that this trade would not be drawn back into the town centre and the key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres.

The GVA assessment notes that whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion, in particular with potential adverse impacts on the town centre, which are considered to weigh against the Sainsbury's application. The Planning Policy Team consider the protection of the vitality and viability of Edenbridge Town Centre to be the primary planning objective and that of the two proposals the Sainsbury application represents the greater risk to the centre.

In favour of the proposed Tesco store is the fact that it would have a less significant adverse impact on the town centre. The assessment of the impact of the proposed Tesco store on the Co-op is not subject to the same degree of risk, given that it is based on a more modest, and more in line with company average, assumed turnover for the Co-op store. GVA anticipate that the proposed Tesco store would bring about a reduction in car-borne trips to stores in surrounding towns as a result of increased competition, which they expect to lead to greater competition on prices and wider choice and availability of products.

Given the above, the Planning Policy team recommend that only one store be permitted and that, as a result of its more modest impact on the town centre and lower risks, the Tesco store should be considered the more acceptable option in terms of retail impact and that if it is permitted then the Sainsbury's application should be refused.

Employment Land Policies

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The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. Policy EP8 states that Class B uses will be permitted on land allocated for employment use. Policy SP8 states that 'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period'. This approach is considered to be consistent with para 22 of the NPPF.

The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

The applicant's Employment Land Report notes that the application site contains 11,853 sq m of floorspace, of which 4,284 sq m is currently vacant. It is agreed that not all of the floorspace on the site is in B class employment use but, as the applicant's Employment Land Report notes, the vast majority is in one form of B class use or another.

Whilst the applicant notes that a significant proportion of the site's floorspace is vacant, the Employment Land Report also notes that 29% of the sites' "existing tenants have been found alternative accommodation in Edenbridge". It is not clear to what extent the vacancy rate on the site is driven by this process to relocate tenants. The report does not refer to marketing efforts that have been made to find new tenants for the vacant buildings nor does it set out vacancy rates over recent years.

The applicant's Employment Land Report also notes that there is a significant oversupply of business floorspace in the region. In the context of the current economic climate, the Planning Policy team does not dispute this evidence. However, the Council's Core Strategy and Employment Land Review evidence base considers the forecast need and supply to 2026. The Long Term Employment Space Projections (2011) document sets out the following future requirements:

Use	Estimated 2026 (m2) Floorspace 2011	Future Floorspace Requirement		
		Low Scenario	Medium Scenario	High Scenario
Office	144,900	143,200	149,500	156,600
Warehouse	261,000	270,700	281,700	296,800
Factories	216,900	196,700	206,500	214,100
Total (gross)	622,700	610,700	637,700	667,500
Total (net)	622,700	-12,000	+15,000	+44,800

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The applicant's summary of this evidence considers the 'warehouse' and 'factories' component in one category ('industrial') and suggests that the 'low scenario' identifies a reducing need for this floorspace. The use of the 'low scenario' is proposed on the basis of the continuing slow economic growth nationally. The Planning Policy team considers that, as the forecasts cover a sufficiently long period and were carried out in the context of the economic downturn, it is reasonable to use the 'medium scenario'. This identifies that retention of existing warehousing and office sites is required and that there is scope for growth in the period to 2026. It is noted that the low scenario also identifies a need to retain and develop new warehousing. The Planning Policy team does not consider that the evidence provided proves these projected requirements to be unreasonable.

It is noted that the applicant's Employment Land Report considers the buildings to be in an old and poor condition. Whilst it is agreed that parts of the Station Road Employment site probably would not justify the 'good quality' assessment that Employment Land Review concluded was the case for the whole site, this is not considered to be a reason for releasing the land for alternative development in itself. The applicant's Employment Land Report has briefly considered the opportunities for redevelopment of the site but concludes that it would not be viable as rents and values would be too low. This does not constitute an assessment of the long term opportunities for redevelopment which is the test required by Policy SP8. It is also noted that no information has been provided on any marketing that has taken place to try to find a developer.

The applicant's further information on employment land issues notes that approximately 132 FTE jobs will be created as a result of the development, compared to approximately 78 existing jobs on the site, 96 jobs that could be provided through upkeep and letting of the existing buildings and approximately 45 jobs (35 of which would be in B class uses) under a do nothing scenario where buildings were allowed to deteriorate further and would no longer be attractive to occupiers. The applicant's Employment Land Report notes that approximately 116 FTE jobs on the site could be provided through a redevelopment of the site for approximately 8100ml (Gross External Area) of B8 uses, on the basis of HCA / Drivers Jonas Deloitte's Employment Densities Guide (2010), if a viable scheme were to come forward. A scheme that provided a mix of B class uses, as is currently found on site, would be expected to provide a higher number of jobs under the Employment Densities Guide. As a very rough calculation to illustrate this point, 8100ml of employment generating floorspace split between general B8 uses (2700ml of Gross External Area), general B2 uses (2700ml Gross Internal Area) and general office uses (2700ml Net Internal Area) would provide approximately 339 jobs.

The applicant has provided an indication of the current difficulties of letting buildings of deteriorating quality on this site in the current market and has considered the likely attractiveness and (briefly) the viability of redevelopment of the site. However, the Planning Policy team does not consider that the applicant has proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8. In particular, the applicant's interpretation of the Council's Long Term Employment Space Projections is not accepted and long term opportunities for (and viability of) redevelopment are not considered to have been sufficiently considered, given the amount of Use Class B business land that the development would lead to the loss of.

Planning Policy Recommendations

In accordance with the Council's retail consultants, it is recommended that only one of the proposed foodstores in Edenbridge be permitted on the grounds that permitting both the Tesco and Sainsbury's stores would have an unacceptable impact on Edenbridge town centre. Whilst the Sainsbury store is likely to provide greater choice of goods and to claw back more expenditure to the town, the principle planning aim is to maintain the vitality and viability of the town centre and on balance the retail impact of the larger Sainsbury store presents greater risks to the town centre. In terms of retail impact, the Tesco proposal should be favoured over the Sainsbury's proposal due to the more modest impact on the town centre and lower risks associated with the impact assessment.

For reasons set out above, the Planning Policy team considers that the application does not comply with Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. It is accepted that the Sainsbury's proposal would provide an increase in the number of jobs (to 132 FTE jobs) currently on the site and that there are currently no proposals for redevelopment of the site that may increase the number of jobs in B class uses accommodated. However, the Tesco proposal will also provide an increase in the number of jobs (100 FTE jobs) within the Station Road employment site and would do so with the loss of less existing employment floorspace, with 11,853 sq m potentially lost as a result of the Sainsbury's proposal (the majority of which is in B class use) compared to 2160 sq m (plus 868 sq m of permitted floorspace) potentially lost as a result of the Tesco proposal. Given that the Council's retail consultants recommend that only one store should be permitted, the Planning Policy team considers that the employment land considerations also weigh in favour of the Tesco proposal.'

Sevenoaks Arboricultural Officer

32 Sevenoaks Arboricultural Officer has made the following comment:

'I have no issue with this proposal to demolish and replace with a new store and petrol station. There is currently very little on the site in the way of amenity vegetation and I see this proposal as an opportunity to improve by way of an agreed landscaping scheme. The proposed landscaping is very basic. I would look to see car park planting as well as a mix of evergreen and deciduous trees with an increase in the number of the current proposals. I will look forward to being consulted on the landscaping should this application be successful.'

Sevenoaks Council Environmental Health

33 Sevenoaks Council Environmental Health have made the following comment:

'Whilst the acoustic report for this application indicates no significant impact from the operations, would it be possible to require a further acoustic assessment of the store within 6 months of the store becoming operational, and if the observed noise levels are greater than 3 dB(A) above the predicted levels then additional mitigation works will be required and agreed by the District Council.

Specific details of fume and extract equipment will also be required, as it should be suitable and sufficient to prevent loss of amenity and a contaminated land

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assessment will be required. The assessment will include both a Phase 1 (desk top) and Phase 2 (intrusive) investigation with remediation proposals to demonstrate the potential risks to those working on the construction of the site and future users of the facilities of the store. Any remediation will also require validation to demonstrate any works have been completed in an appropriate manner.'

Representations

34 513 notifications of support have been received. These raise the following points:

- The proposal would create 200 full and part time jobs in the town.
- The proposal would boost the local economy and encourage future investment
- The shop is within walking distance for the residents in the Marlpit Hill area
- The proposal will bring in trade from outside the area
- The proposal will improve and regenerate a less attractive part of town
- Reduced out of town journeys with result in reduced fuel costs and help the environment
- The proposal will result in a greater choice of shops for local residents
- The proposal will stop local people travelling outside of the area to shop
- The biomass boiler will generate large amounts of the stores energy
- The petrol station will provide more competitive choice

35 7 notifications of objection have been received. These raise the following points:

- A large superstore on the outskirts of the town would kill the high street.
- The store would result in the loss of linked trips to the town centre and have an adverse impact on its vitality and viability.
- Edenbridge is adequately provided for by the existing food outlets
- The proposal would result in the loss of an unacceptable level of employment land contrary to local plan policy.
- The use of the 'low growth scenario in the local plan is flawed as there is no evidence that there will be no growth before 2026.
- The sequential test has been incorrectly applied and not identified an extension to the coop, or the Leathermarket site as suitable alternatives.
- Some of the assumptions and figures used in the retail assessment are questionable. The proposal would have a detrimental impact on Mill Hill garage
- The existence of the Tesco application is material planning consideration. This application proposes a less harmful retail provision.
- The proposal would have a detrimental impact on the amenity of neighbouring occupiers. The recycling facilities are provided on the boundary with the railway line which is also the closest to any residential

dwelling. This noise would be audible to neighbours in addition to plant noise.

- Light spillage would cause harm to wildlife
- The landscaping is unacceptable
- The two railway bridges are unable to cope with further traffic volume.

Eden Valley Chamber of Commerce

- 36 The Eden Valley Chamber of Commerce have offered no comment directly on the planning application, but have released the following press release which has been provided as a comment:

'Eden Valley Chamber of Commerce vote overwhelmingly in favour of Sainsbury's proposal

Following lengthy discussions with representatives of both the Sainsbury's and Tesco's bids and following a vote among its members, the chamber has given its overwhelming support to the proposals put forward by the Sainsbury's team.

Peter Kingham, chairman of the chamber commented "we have looked carefully into the impact that these stores will have on Edenbridge generally and the businesses of the town in particular, we consider that the big store proposal of Sainsbury's will bring much greater benefit to Edenbridge. In particular it will draw shoppers into the town and give us the opportunity to get our message to a greater number of people, drawing them to the High St and the great retail variety offered by the town."

The chamber listed aspects of the bid such as a petrol station, the size of the store and the large clothing offer as major factors in their decision "we want Edenbridge to be a destination town and one that larger companies can invest in. The Tesco's bid doesn't achieve this at any level" said Mr Kingham. "We are particularly impressed by the willingness of the Sainsbury's team to work with the chamber as well as other existing organisations in the town".

Other comments from the vote reflect this opinion "Sainsbury are ethically accredited by the Ethical Company Organisation. As a Fairtrade Town Edenbridge has an obligation to pick the most ethically transparent company, concerns about traffic congestion and impact on local homeowners with the Tesco's site as well as the greater opportunities for employment from Sainsbury's, were also cited.

Of course, not all votes were in support of Sainsbury's but the majority, at least 80% were in favour, the rest of the vote being split almost equally between the Tesco bid or neither options. Mr Kingham commented further that "we hope that Sevenoaks District Council will give our comments their very serious consideration when deliberating both plans and I will be writing to SDC to give them our views together with full details of the vote and the comments of all members'

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Head of Development Services Appraisal

Assessment

37 The main issues for consideration of this planning application are:

- The principle of development:
 - loss of employment land
 - impact on town centre
- The design of development
- Highway implications
- Amenity impact
- Flooding, sustainability and ecology
- Other material planning considerations

Loss of Employment Land

- 38 Policy LO6 of the Core Strategy details the Council's aspiration for development in Edenbridge. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.
- 39 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.
- 40 Policy SP8 states that *'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.
- 41 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 42 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas play in contributing towards the achievement of sustainable development is described in the NPPF as:

'an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure'

43 Paragraph 18 and 19 of the NPPF state

'18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

Paragraph 22 of the NPPF states

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

44 The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. The approach in these policies is consistent with para 22 of the NPPF.

45 The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

46 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

47 The use of land for retail purposes is specifically different to a business use in planning policy terms and is therefore inappropriate on protected employment land.

48 The applicant's Employment Land Report notes that the application site contains 11,853 sqm of floorspace, of which 4,284 sq m is currently vacant. As such, the

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large majority of the land is occupied, the vast majority of which is in one form of B class use or another.

- 49 The applicant's Employment Land Report notes that 29% of the sites' "existing tenants have been found alternative accommodation in Edenbridge". However it is not clear to what extent the vacancy rate on the site is driven by this process to relocate tenants. The report does not refer to marketing efforts that have been made to find new tenants for the vacant buildings nor does it set out vacancy rates over recent years. Despite requests, no evidence has been forthcoming to show that the vacancy rate on site is a result of natural loss rather than driven by ambitions for the site. As such, it clearly cannot be proven that the units are no longer needed for business use during the Core Strategy period.
- 50 The proposal does not provide a mixed use scheme which would effectively meet the needs of modern business, nor would it represent a sustainable approach consistent with the general distribution of development in the area.
- 51 The applicant's Employment Land Report notes that there is a significant oversupply of business floorspace in the region. However, the Council's Core Strategy and Employment Land Review evidence base considers the forecast need and supply to 2026. The Long Term Employment Space Projections (2011) document sets out future requirements as detailed in the policy representation in this report.
- 52 The applicant's summary of this evidence considers the 'warehouse' and 'factories' component in one category ('industrial') and suggests that the 'low scenario' identifies a reducing need for this floorspace. The use of the 'low scenario' is proposed on the basis of the continuing slow economic growth nationally. It is considered that, as the forecasts cover a sufficiently long period and were carried out in the context of the economic downturn, it is reasonable to use the 'medium scenario'. This identifies that retention of existing warehousing and office sites is required and that there is scope for growth in the period to 2026. It is noted that the low scenario also identifies a need to retain and develop new warehousing. It is not considered that the evidence provided proves these projected requirements to be unreasonable.
- 53 The applicant's Employment Land Report considers the buildings to be in an old and poor condition. Whilst parts of the Station Road Employment site would not justify the 'good quality' assessment that Employment Land Review concluded was the case for the whole site, this is not a reason for releasing the land for alternative development in itself. The applicant's Employment Land Report has briefly considered the opportunities for redevelopment of the site but concludes that it would not be viable as rents and values would be too low. This does not constitute an assessment of the long term opportunities for redevelopment which is the test required by Policy SP8 up to 2026. Further to this, no information has been provided to show that efforts have been made to actively market the site.
- 54 The applicant notes that approximately 132 FTE jobs will be created as a result of the development. This is compared to approximately 78 existing jobs on the site, 96 jobs that could be provided through upkeep and letting of the existing buildings and approximately 45 jobs) under a do nothing scenario where buildings were allowed to deteriorate further and would no longer be attractive to occupiers.

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- 55 The applicant's Employment Land Report notes that approximately 116 FTE jobs on the site could be provided through a redevelopment of the site if a viable scheme were to come forward. The policy team have calculated that, based on the Employment Densities Guide guidance, redevelopment would actually provide approximately 339 jobs. As such the proposal would potentially result in a decrease in the number of jobs provided on site compared with its redevelopment for business use in line with policy.
- 56 The applicant has provided an indication of the current difficulties of letting buildings of deteriorating quality on this site in the current market and has considered the likely attractiveness and (briefly) the viability of redevelopment of the site. However, the applicant has not proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8. In particular, the applicant's interpretation of the Council's Long Term Employment Space Projections is not accepted and long term opportunities for (and viability of) redevelopment are not considered to have been sufficiently considered, given the amount of Use Class B business land that the development would lead to the loss of.
- 57 Para 22 of the NPPF only requires the long term protection of sites allocated for employment use to be avoided where there is no reasonable prospect of a site being used for that purpose. In this instance, it is considered that the application does not comply with the NPPF, Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period.
- 58 The Sainsbury's proposal would provide an increase in the number of jobs (to 132 FTE jobs) on the site compared to the current provision, It has not been demonstrated that the site could not be redeveloped to provide for in excess of this number of jobs. The proposal does not comply with the NPPF, or policies SP8 of the Core Strategy or EP8 of the Local Plan. The increase in FTE jobs that the proposal would deliver is considered to be material planning consideration which partially weighs against the policy objection. However in terms of the loss of employment land, in this instance, the scheme is not considered acceptable.

Impact on Town Centre

- 59 Policy LO6 details the Council's aspiration for development in Edenbridge. The mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained.
- 60 Policy EB1 of the Local Plan identifies the Edenbridge town centre, and states that proposals which will improve the range, quality and diversity of shops and services and provide for business, leisure and community needs will be permitted.
- 61 The emphasis on sustainable development in the NPPF, underpins the importance of protecting town centre uses and employment land. It states that local policies should

'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality'

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Retail development is defined as a 'main town centre use' in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an 'out of centre' site.

62 The NPPF states:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.'

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- *Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26);*

Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

63 A retail impact assessment has been submitted with the application. This assesses the impact of the proposal on Edenbridge town centre. In addition, SDC has commissioned GVA to review the application submission and independently assess the impact of the proposal. GVA have produced a report which is appended to this assessment.

Sequential test

64 There are two sites which are of a sufficient size to realistically accommodate a large format foodstore with associated parking and servicing. These are the Co-op site, and land within the Local Plan Allocation EB3.

65 The Local Plan Allocation has been largely built out by residential development which limits the extent of the site which is available. The site is constrained in terms of its scale (0.3ha) and its proximity to neighbouring residential uses. There is also an issue in achieving a suitable access arrangement. This site is not suitable to accommodate a foodstore.

66 The layout of the existing store on the Co-op site provides only a limited opportunity to accommodate a second or extended store without a substantial degree of flexibility on the part of the applicant. It would also result in a loss of parking for the Co-op which is unlikely to be acceptable to the retailer. To accommodate a foodstore on this site would therefore necessitate the redevelopment of the Co-op store. This would require support from the Co-op which is highly unlikely given the competitive nature of operators. The survey results indicate that

the existing store trades well which makes it unlikely that it will face closure in the near future therefore releasing the site for redevelopment. The site cannot therefore be considered as available.

- 67 In conclusion, no sequentially preferable sites within or closer to the town centre exist in Edenbridge. As such, the Sainsbury's proposal passes the test of sequentiality.

Choice and range of goods

- 68 The Sainsbury store will increase the choice and range of goods and increase local competition within the town. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre, not in an out of town centre location as is proposed in this application.

Expenditure claw back

- 69 The GVA report concludes that because of its scale and retail offer, the proposed Sainsbury's store will claw back some expenditure to the town and achieve a reduction in car-borne trips as a result. This is a benefit in terms of reduced frequency and length of trips, and is a benefit to the town, but it is not a benefit to the town centre, as the store is out of centre. Benefits in terms of claw back to the town need to be set against adverse impact on the town centre. Rather, the key aim is to protect the town centre. The key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres. The application proposals are not situated within the town centre nor do they have any stated direct benefits to it.

Retail Impact

- 70 Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole.
- 71 GVA consider that Sainsbury's over-estimates the amount of trade that will be drawn from surrounding areas and under-estimates the amount of trade that will be drawn from the Edenbridge area. As a result, they consider that the Sainsbury's assessment under-estimates the impact that the development would have on the Co-op and the Tesco Express, with the applicant estimating these impacts at 35% and 25% respectively, whilst GVA estimate these impacts at 50% and 30% respectively.
- 72 GVA consider that neither of these stores would close but note that there would be an inevitable reduction in linked trips to the town centre. It is forecast that the overall adverse impact of the Sainsbury's proposal on the town centre turnover will be circa 26.5%. The danger of this impact is that it would have a negative impact on the vitality and viability of the town centre, contrary to local and national policy.
- 73 The GVA report concludes that the Sainsbury's proposal is 'just within the margins of acceptability'. This is due, in part, to the fact that Edenbridge town centre is considered to perform a 'wider than convenience (shopping) function and

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contains a number of key service uses which would be expected to continue to draw trips in their own right'.

- 74 The impact of the Sainsbury's proposal are subject to risks, including greater than anticipated uptake of internet spending and/or slower than anticipated growth in expenditure, which could lead to greater impacts on the turnover of the town centre anchor stores. Also identified as a risk is the extent to which the Co-op store is currently over-trading and, therefore, the extent to which it can sustain a reduction in turnover without closing as a result of the development of an out of town centre competitor.
- 75 Whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion. The practical risk of permitting the store is that it would take custom away from the town centre both directly and also through a reduction in linked trips to the smaller town centre premises through visits to the Coop store. This would mean that shops within the town centre would be unable to sustain their existence in Edenbridge and would potentially close. This would detrimentally impact the vitality and viability of the town centre contrary to policy LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF.
- 76 These are considered to weigh against the application as the protection of the vitality and viability of Edenbridge Town Centre is the primary planning objective.
- 77 However, as a stand alone application taken in isolation, the retail impact of the proposal as assessed independently, is considered to be at the margins of acceptability and therefore very much on balance in accordance with policy LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF.

The Design of Development

- 78 Policy SP1 of the Core Strategy states 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. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment.
- 79 Policy EN1 of the Local Plan identifies a broad range of criteria to be applied in the consideration of planning application. Criteria 1 states that the form of the 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. Criteria 2 states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs.
- 80 The site in its current state is relatively run down and in need of regenerating and occupies a prominent location on the main route into Edenbridge town centre. The redevelopment of the site is an opportunity to improve the landscaping and pedestrian routes through the site thus improving the streetscape of this section of Station Road and Fircroft Way.
- 81 An analysis of the constraints and opportunities for development of the site in design terms has been undertaken. As a result, the store does complement the

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form and massing of the existing buildings around the site. The store would be single storey with a main eaves level at the front of the store of 6.01m which rises to 7.2m at the ridge. It would feature glazing around the perimeter of the sales area to allow natural light to penetrate into the store. Parts of the front and south elevations would be finished with timber boarding, and a canopy runs across the front of the store at 5.7m in height.

- 82 The primary elevation faces west into the car park. It incorporates the store entrance and a significant amount of glazing. Where the shopfront ends, a ribbon of high level glazing continues across the front elevation and wraps around the side. Below the high level glazing, timber boarding is shown.
- 83 The timber boarding and high level glazing continues round to the Fircroft Way elevation. This side of the building is also treated with light grey cladding and masonry facing. The roof is a light grey single ply.
- 84 The petrol filling station has been designed with an acceptable degree of attention and articulation to the site with a barrel vault canopy. The kiosk is shown as a simple timber clad building. It would sit comfortably in the prominent position on London Road.
- 85 New landscaping is shown across the site to enhance its visual appearance, create a more pleasant streetscape and to provide softening to the perimeter boundaries.
- 86 The layout of the site has been designed to be inclusive to all those who are likely to access it.
- 87 The proposal has an overall gross external floor area of 5,016 sqm compared with the current floorspace of 11,853 sqm.
- 88 It is considered that the proposal is designed in a manner that would contribute to an improvement in the quality of the environment. In line with the Arboricultural officer comments, a condition can be imposed to seek additional landscaping , particularly within the car park to soften the impact of the scheme and the large expanse of parking at the front of the site.
- 89 Subject to conditions regarding landscaping and requiring samples of materials to be used in the external appearance of the building, the proposal accords with policy EN1 of the Local Plan and SP1 of the Core Strategy in terms of design.

Highway Implications

- 90 Policy SP2 of the Core Strategy states that the Council will support and promote measures to reduce reliance on travel by car. Specifically it will support improvements to enhance the safety and convenience of public and community transport, seek improved facilities for cyclists and pedestrians, and require the inclusion of Travel plans and other appropriate measures in new developments that generate significant traffic volumes
- 91 Policy SP9 states that where new development creates a requirement for new or improved physical, social and green infrastructure beyond existing provision, developers will be expected to provide or contribute to the additional requirement.

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- 92 Criteria 6 of policy EN1 of the Local Plan states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10 states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.
- 93 Criteria 10 requires that the development does not create unacceptable traffic conditions on the surrounding road networks and is located to reduce where possible the need to travel.
- 94 Policy VP1 requires parking provision to be made in accordance with the KCC adopted vehicle parking standards.
- 95 Extensive discussions have taken place between the applicant and Kent Highways. As a result, the proposal includes the rebuilding of the junction of Fircroft Way and Station Road to incorporate a roundabout, the provision of a signalised pedestrian crossing over Station Road north of the roundabout, widened footways on both sides of London Road, a layby for southbound buses, and changes to the footway of Fircroft Way to create access to the proposed service yard.
- 96 Kent Highways have raised no objections to the application, subject to a section 106 agreement for the above detailed works. This is currently being finalised. Comments have been provided regarding parking, servicing, traffic movements or access points which confirm that the matters are considered to be acceptable as proposed.
- 97 It is recommend that a condition be imposed requiring the applicants to submit details of site access, parking and wheel washing during construction of the store.
- 98 Kent Highways have raised no objection to the level of parking, access arrangements or traffic movements.
- 99 The Town Council have raised a number of issues related to the highways implications of the scheme. It has been suggested that Highways should be consulted to assess the benefit of moving the Zebra Crossing further north up Four Elms Road towards the Railway Bridge, and attention was drawn to the proposal to send HGV's through the village of Hartfield instead of using the A264 from Colestock Crossing.
- 100 Consultation responses have also raised concern about the ability of the railway bridges to accommodate the increased traffic that would be result from the store.
- 101 In response to these concerns, Kent Highways have advised that the proposed pedestrian crossing would be only 85 m from the railway bridge. The reason for Sainsbury's to construct it is to help their customers cross the road from the bus stop to the store. It is not clear why there might be any net advantage in moving it north, assuming a suitable location could be found taking into account the road junction, driveways, bus stops and other constraints (e.g. visibility through the railway bridge).
- 102 The intended crossing would be signalised, it would not be a zebra. Due to visibility constraints (a bus stop on approach to a pedestrian crossing could create

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safety hazards) Sainsbury's are prepared to create a layby for the bus stop on the southbound side of the road.

- 103 It was indicated that Sainsbury's delivery lorries would come from their Dartford depot on the M25, then via the A22 and B2028 (Lingfield) and Highways are not aware of any proposal to route via Hartfield.
- 104 Highways would not expect any significant additional problems on Four Elms Rd; from this direction it would be a slightly shorter route to Sainsburys to drive via Swan Lane than via the Four Elms Rd railway bridge. It is likely that people will use both routes.
- 105 There would be more traffic using the bridge. However the only congestion would be when an HGV or other higher vehicle requires to use the centre of the road. Highways consider that it does not happen sufficiently frequently for it to become a significant problem; under normal circumstances it is not likely to be a "severe" issue in terms of assessments of highways impact under NPPF.
- 106 It was also suggested that consideration should be given to limiting the time that car park users could stay to avoid spaces being occupied by commuters. Given the proximity of the site to Edenbridge Station, the control of parking spaces can be controlled through an appropriate condition requiring a parking control scheme to be submitted for approval prior to commencement of use of the store.
- 107 It is considered that the impact of the store, subject to the completion of a S106 agreement is acceptable and in accordance with policies EN1 and VP1 of the Local Plan.

Amenity impact

- 108 Criteria 3 of policy EN1 of the Local Plan states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 4 states that the proposed development should not result in the loss of important buildings or related spaces.
- 109 The site is currently occupied by employment buildings which sit appropriately on protected employment land. As a comparison to the impact of the proposed use, the impact, including noise, air, visual and traffic nuisance, on local amenity of such buildings could be extensive.
- 110 The site is not directly adjoined by any residential land. Dwellings sit to the north, but the railway line separates them from the store. An area of residential land lies to the east but this is separated from the application site by more employment land and buildings.
- 111 The matter of traffic management has been addressed by Kent Highways and found to be acceptable subject to the provision of additional management resources as detailed above.
- 112 The visual impact of the proposal has also been assessed in this report and is also considered to be acceptable, particularly in the context of the surrounding area.

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- 113 Sevenoaks Environmental Health have assessed the proposal in terms of noise and air nuisance and concluded that while the acoustic report submitted with the application indicates that there will be no significant impact from the operations of the store, a condition should be imposed to require a further acoustic assessment of the store within 6 months of the store becoming operational, and if the observed noise levels are greater than 3 dB(A) above the predicted levels then additional mitigation works will be required and agreed by the District Council.
- 114 Specific details of fume and extract equipment will also be required, as it should be suitable and sufficient to prevent loss of amenity. In addition, a contaminated land assessment will be required to demonstrate the potential risks to those working on the construction of the site and future users of the facilities of the store and how these will be mitigated against.
- 115 Subject to appropriate condition, the amenity impact of the store is considered to be acceptable and in accordance with policy EN1 of the local plan.

Flooding, sustainability and ecology

- 116 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- *'within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
 - *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems'*
- 117 Policy SP2 of the Core Strategy requires that all new commercial development is required to achieve BREEM 'very good' standards and must incorporate sustainable drainage systems where practical together with arrangements to secure their long term maintenance. Achievement of BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on site installation and implementation of decentralised, renewable or low carbon energy sources.
- 118 Policy SP11 of the Core Strategy requires the biodiversity of the District to be conserved and opportunities for enhancement sought.
- 119 Following an objection from the Environment Agency on the basis of flood risk, amended plans to shown attenuation measures to the railway culvert have been submitted as part of the application. As a result of the amended plans, the Environment Agency have confirmed that they have no objection to the proposal subject to a condition requiring a sustainable surface water drainage scheme for the site be submitted to and approved in writing by the local planning authority.
- 120 Provided this condition is imposed, the proposal would be in accordance with the requirements of the NPPF in terms of flood risk.

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- 121 A design and access statement and a renewable energy and efficiency assessment have been submitted with the application. These outline the means by which the proposal will achieve a CO2 reduction of 16.8% by implementing sustainable initiatives, compared with if these initiatives were not implemented. These include LED lighting, use of natural light, natural refrigeration, water saving devices, insulation, air tightness, the use of entrance lobbies and the use of on site renewable technologies. It is also committed that the store will be built to BREEAM standard 'Very Good'.
- 122 The use of renewable energy sources and achievement of BREEAM very good standard can be secured via condition.
- 123 As such, the proposal would accord with policy SP2 of the Core Strategy, and the NPPF in terms of sustainability.
- 124 Natural England, Kent Ecology and the Kent Wildlife Trust have made no objection to the application in terms of ecological impact. They have identified that enhancements which have been detailed in the submitted bat survey should be incorporated in to the site. This can be dealt with by condition.
- 125 Kent Wildlife Trust has also raised concerns about the impact of '*significant and powerful*' illumination from the proposal on the adjacent vegetated railway corridor. It has requested that the Council requires the submission of lighting details for the car park and circulation areas of the site. This can be dealt with by condition.
- 126 The proposal would accord with policy SP11 of the Core Strategy and the NPPF in terms of biodiversity protection and enhancement.

Other Material Planning Considerations

- 127 An application has been submitted for a retail store on a plot of land nearby to the application site. It is for a Tesco development at land north west of the junction with St Johns Way (ref 13/00935/FUL). This is being considered alongside this application, and an assessment of the planning merits of the scheme can be found in the Officers report.
- 128 The Applicant has submitted figures related to the cumulative impact of the Sainsbury and Tesco application. It finds that the cumulative impact on the Coop store would be 75% and on the Tesco store would be 57%.
- 129 The GVA report has considered the cumulative impact of permitting the Sainsburys and Tesco applications. It concludes **that the development of two foodstores would have an unacceptable impact on Edenbridge town centre.** The impact has been detailed as follows:

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Cumulative Impact	Based on Tesco's evidence	Based on Sainsbury's evidence
The town centre as a whole	43%	37%
The Co-op	96%	64%
Tesco Express	45%	46%

- 130 The figures above show the impact on only the Co-op and impact on only the Tesco Express. While this may be an interesting exercise, it is not relevant to National or local planning retail impact policy which deals with impact on an entire designated town centre rather than individual stores. There is no local or national planning policy support for considering the impact of any proposal on a section of the town centre. Policy considerations relate to vitality and viability of town centres in their entirety.

Sequential tests

- 131 In reviewing the two applicant's sequential tests, GVA note that the two sites are similar in terms of accessibility, with the Tesco store being marginally closer to the town centre (although still too far to facilitate linked trips) and the Sainsbury's store being closer to Edenbridge Station (although GVA question how many people travel by train for the purposes of food shopping).
- 132 As discussed previously in this report, there are two sites which are of a sufficient size to realistically accommodate a large format foodstore with associated parking and servicing - the Co-op site, and site 6 allocated within the Local Plan Allocation EB3 (known as the Leathermarket site).
- 133 As previously concluded in this report, no sequentially preferable sites within or closer to the town centre exist in Edenbridge and therefore neither store is preferable to the other in this respect.

Expenditure claw back

- 134 GVA state that the larger Sainsbury store will claw back more expenditure to the town than the Tesco store. However, whilst this is a secondary benefit in terms of reduced frequency and length of trips, this is not a stated planning objective for the town. Rather, the key aim is to protect the town centre and these proposals are not situated within the town centre nor do they have any stated direct benefits to it.
- 135 Benefits in terms of claw back need to be set against impact on the town centre.

Retail Impact

- 136 Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the **Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole**. In comparison, they estimate the diverted convenience and comparison expenditure of **the Tesco store to equate to an overall impact of 11.7% on the town centre as a whole**.
- 137 GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store's turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and under-estimated the percentage of the store's turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco's assessment under-estimates the impact that the development would have on the Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%. Both of these figures are lower than the forecast impacts of the Sainsbury's store (35% from WYG and 50% from GVA), although GVA note that it is not possible to make direct comparisons between these figures as a result of the different approaches taken. Taking into account the small scale of comparison floorspace proposed at the Tesco store (130 sq m net), the impact of the store on the town centre as a whole is estimated by GVA to be approximately 11.7% (comparable with 26.5% for Sainsbury's).
- 138 In retail impact terms, GVA state that 'it is evident that by virtue of its lesser scale and turnover that the proposed Tesco will have less impact on Edenbridge town centre than the Sainsbury's', which is considered to be 'just within the margins of acceptability'.
- 139 Given that the impact of the two stores together would be unacceptable but that either could be permitted, a decision between the two must be made.
- 140 In terms of retail impacts, in favour of the proposed Sainsbury's is that it will be expected to bring about a greater claw back of trade into Edenbridge and achieve a greater reduction in car-borne trips from Edenbridge residents who currently do their food shopping outside of the town than the proposed Tesco, as a result of its greater scale and anticipated retail offer, including the greater comparison goods offer. However this trade would not be drawn back into the town centre and the key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres.
- 141 Whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion, in particular with potential adverse impacts on the town centre, which are considered to weigh against the application. The protection of the vitality and viability of Edenbridge Town Centre is the primary planning objective and of the two proposals the Sainsbury application represents the greater risk to the centre.
- 142 As a result of its more modest impact on the town centre and lower risks, the Tesco store is considered the more acceptable option in terms of retail impact. Subject to it being granted approval, the Sainsbury's application should be refused.

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Conclusion

- 143 The scheme results in an unacceptable loss of protected employment land contrary to policies LO6 and SP8 of the Core Strategy, EP8 of the Local Plan, and the NPPF.
- 144 In terms of design, highways impact, amenity impact, flooding sustainability and ecology, the proposal is considered to be acceptable subject to conditions. In terms of impact on the town centre, the scheme in isolation is considered to be just on the edge of acceptability. The submission of an application for a Tesco store is a material planning consideration that has to be taken into account and weighed against the other issues that have been assessed.
- 145 The cumulative impact of this and the Tesco application would be unacceptable in terms of impact on the town centre. As such, only one of the schemes can be permitted. The Tesco application is acceptable in terms of loss of employment land, design, highways impact, amenity impact, flooding sustainability and ecology subject to conditions. The Sainsburys application would have a greater harmful impact on the vitality and viability of the town centre and would result in the loss of protected employment land contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF. These objections are not considered to be outweighed by the greater claw back of trade than the Tesco scheme.
- 146 In planning policy terms, the Sainsburys application is a less preferable option. This consideration represents a material planning consideration which in combination with the loss of employment land weighs against this application.
- 147 This application would result in the loss of an unacceptable level of employment land and have a detrimental impact on the vitality and viability of the town centre contrary to policies EP8 and EB1 of the Local Plan and SP8 and LO6 of the Core Strategy, and the National Planning Policy Framework.

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

Pav Ramewal
Chief Executive Designate

Link to application details:

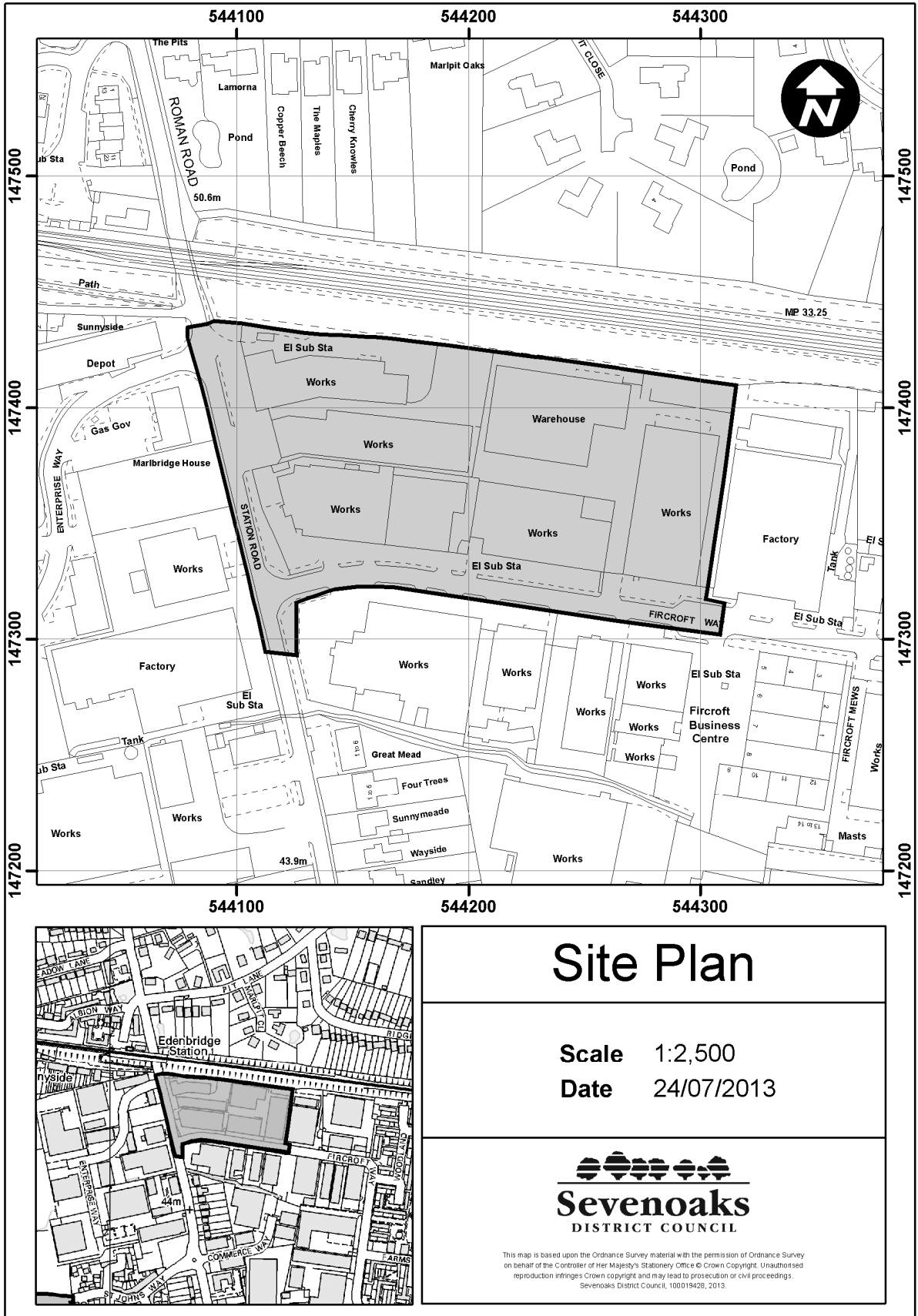
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGTACABK8V000>

Link to associated documents

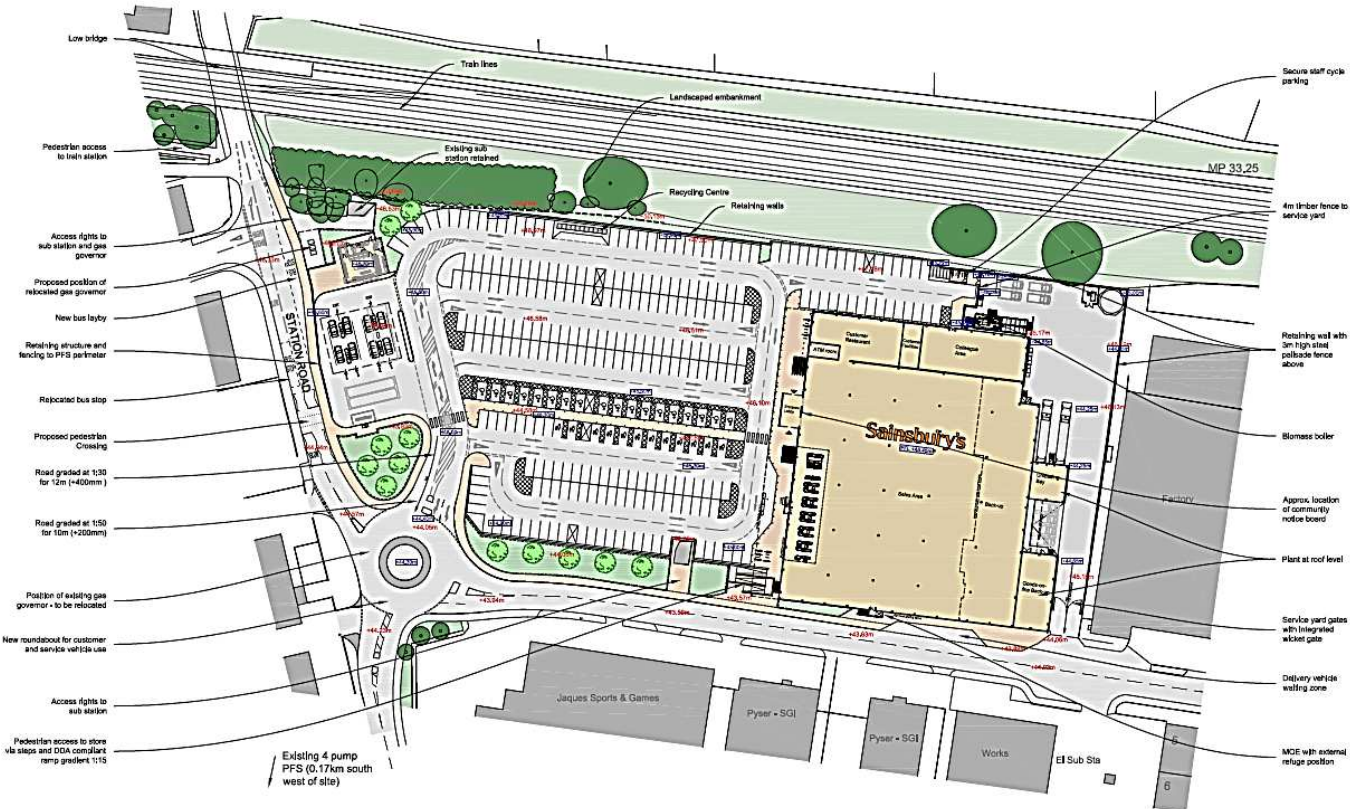
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGTACABK8V000>

Item 4.2 – SE/13/00935/FUL Land North West of Junction with St Johns Way, Station Road, Edenbridge TN8 6EB

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Block Plan



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4.2 - SE/13/00935/FUL Date expired 26 June 2013

PROPOSAL: Demolition of existing buildings and redevelopment of the site as a foodstore with vehicular access improvement, widening of public footway, extension of public cycleway, servicing, car parking areas and landscaping.

LOCATION: Land North West Of Junction With St Johns Way, Station Road, Edenbridge TN8 6EB

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This application has been referred to Development Control Committee as an officer call in, due to its significant and controversial nature.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the building as supported by EN1 of the Sevenoaks District Local Plan.

3) No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), 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 and so maintained thereafter.

In the interests of the visual amenities of the area, and to minimise impact on bats in accordance with EN1 and EN31 of the Sevenoaks Local Plan, SP11 of the Core Strategy and the NPPF

4) Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include product details and noise specifications where appropriate and scaled drawings to show appearance and position of the plant on the site. The plant shall be installed only in accordance with the approved details and maintained thereafter. The maximum noise levels detailed in the acoustic specification shall not be exceeded for the duration of the use.

In the interests of visual and residential amenity in accordance with EN1 of the Sevenoaks Local Plan.

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5) Once installation is complete and prior to the store becoming operational, a noise validation assessment of the plant and equipment shall be carried out. If sufficient attenuation of the noise has not been achieved in accordance with the noise specifications detailed in the acoustic report approved under condition 4, mitigation measures shall be submitted for approval. These measures shall be implemented and maintained thereafter.

In the interests of residential amenity in accordance with EN1 of the Sevenoaks Local Plan.

6) No groundworks, other than the demolition of the existing buildings, shall be commenced until:

a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and

b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:

c) the approved remediation scheme shall be fully implemented, and

d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effective of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

7) The premises shall not be open to visiting members of the public outside the hours of 08:00 to 21:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays.

To safeguard the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No more than 130sqm of the net sales floor area shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

9) Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an

adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

10) The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

11) No development shall be carried out on the land until full details of soft and hard landscaping works and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.
- height, material and finish of all boundary treatments.
- planting plans (identifying existing planting, plants and trees to be retained and new planting).

The proposed planting plans shall show native planting.

- a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities) and
- a programme of implementation.

Soft and hard landscaping and boundary treatments shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. Boundary treatments shall be maintained thereafter. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area in accordance with EN1 of the Local Plan.

12) Prior to the commencement of works including demolition, the site shall be examined by a qualified ecologist. If any sign of breeding birds are identified, no work shall commence until all young birds have fledged.

In the interests of ecological protection in accordance with SP11 of the Core Strategy and the NPPF

13) The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority:

- i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM Very Good standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority and
- ii) Prior to the occupation of the development, that the development has achieved BREEAM Very Good' standard (including a 10% reduction in total carbon emissions) or

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alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

14) Prior to the commencement of the development full details of surface water drainage including the use of Sustainable Urban Drainage Systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

In the interests of sustainability in accordance with SP2 of the Core Strategy.

15) Prior to commencement of the site, details of bat and bird boxes located throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and approved thereafter.

In the interests of ecological protection in accordance with SP11 of the Core Strategy and the NPPF

16) Notwithstanding the details submitted with this application, prior to the commencement of the development, an appropriate 'measures based' travel plan identifying specific measures to encourage sustainable methods of travel to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of implementation of the recommended measures (including monitoring where appropriate) and the measures shall be put into place in accordance with this programme of implementation.

To encourage the use of sustainable forms of transportation in the interests of sustainable development in accordance with SP2 of the Sevenoaks Core Strategy.

17) Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development

To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

18) Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

To ensure provision of adequate off street parking for vehicles, in the interests of highway safety and to protect the amenity of local residents.

19) Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels chassis and bodywork effectively cleaned and washed free of mud and similar substances.

In the interests of highways safety and amenity.

20) Prior to occupation of the building, details of acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to first use of the building, and maintained thereafter.

In the interests of residential amenity in accordance with EN1 of the Sevenoaks Local Plan.

21) No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing 3395/P002a. The spaces approved shall be retained for parking in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with EN1 of the Sevenoaks Local Plan.

22) No part of the development shall be occupied until secure cycle parking facilities for both staff and customers have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy

23) The gates to the service yard shall remain closed at all times except during ingress and egress of delivery vehicles.

In the interests of local amenity in accordance with EN1 of the Local Plan.

24) Prior to the commencement of the development, a scheme for the management of deliveries shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure the impact of deliveries is minimised in accordance with EN1 of the Local Plan.

25) The development hereby permitted shall be carried out in accordance with the following approved plans: 3395/P600, 3395/P300, 3395/P100, 3395/P601, 3395/P002a, 3395/P003, 3395/P201, 3395/P200, 2658/D01E, Services and Drainage Feasibility report June 2013, Flood Risk Assessment June 2013, Acoustic report dated 13/3/2013, Employment Land Review dated March 2013, Ecological Appraisal March 2013, Environmental Sustainability report March 2013, Travel plan dated March 2013, Stage 1: Desktop and Walkover Survey March 2013, Retail Assessment March 2013

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, VP1, EP8, EB1

Sevenoaks District Core Strategy 2011 - Policies L01, L06, SP1, SP2, SP8, SP9,

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SP11NPPF

The following is a summary of the main reasons for the decision:

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development makes adequate provision for the parking of vehicles within the application site.

Although the proposal would result in the loss of protected employment land, it would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted development on the southern part of the site were to be built out. As such it accords with the aim towards sustainable economic growth in the NPPF.

The proposal provides an opportunity for planning benefits at Edenbridge such as an increased choice and range of goods within the town without a substantial adverse impact on the town centre vitality and viability and trade in the town centre

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated of any issues after the initial site visit.

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Description of Proposal

- 1 Permission is sought for the demolition of the existing buildings and redevelopment of the site to provide a Tesco food store with the main vehicular access for customers on St Johns Way. The access was originally shown from Station Road but has been altered following a Highways objection.
- 2 The development comprises a building with a gross external floor area of 2,170 sqm (2,012 sqm at ground floor and 140 sqm at first floor), 120 car parking spaces, spaces for motorbikes and 10 dedicated cycle parking racks.
- 3 90% of the sales area would be for convenience goods with the remaining 10% for comparison goods.
- 4 The store would be located in the north west corner of the site and have a footprint of 56mx31m. The two storey element is a small part of the building and is sited at the eastern end of the building with a maximum height of 6.6m to the ridge and 6.4m to the eaves level. The main one storey section of the building would have a shallow pitched roof with a ridge level of 7.15m and eaves height of 5m.

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- 5 The maximum height of the building is comparable with the two storey element of the existing building fronting Station Road.
- 6 The building is shown to be constructed of larch cladding, non specified panelling and curtain walling and composite panel on the elevations and metal profiled cladding on the roof. Larch clad walls and solid gates would screen the service yard.
- 7 The service yard is shown to the east and north of the building and screened by landscaped walling and gates and will be accessed of Station Road. Vehicle parking is provided to the east, south and west of the building.

Legal Agreement

- 8 A unilateral undertaking has been made which makes a number of provisions which are material to consideration of the planning application as they address planning concerns, and some which are “extras” and are of more limited relevance:

Material items:

- 9 Exclusion of the use of the New Store (or part of it) as a pharmacy, post office, bank, opticians, dry cleaners, hair or beauty salon or coffee shop.
- 10 To continue to operate the existing Tesco Express store at 39-41 High Street Edenbridge TN8 5AD for at least three years.
- 11 A contribution of £10,000 towards the County Council’s costs for the provision of double yellow line waiting restrictions, the creation of a new bus stop and other highway works
- 12 A contribution of £40,000 towards the costs of the Council in promoting initiatives to preserve and enhance existing commercial activity in the retail areas of Edenbridge and its environs so as to ameliorate the impact of the Development.

Extra items:

- 13 To submit for the Council’s approval details of a bespoke employment partnership between the Tenant, the Council, Edenbridge Town Council and Job Centre Plus for the recruitment of staff at the New Store. The objective of the partnership is to secure local employment and that a proportion of jobs are for the long term unemployed.
- 14 The Owner and the Developer covenant with the Council to procure that its appointed building contractors take reasonable steps to engage workers and sub-contractors from job centres and companies located within the administrative district of Sevenoaks when reasonably possible and practicable.

Description of Site

- 15 The application site consists of 0.78 ha of land located 650m north of the town centre. It is located to the north west of the mini roundabout junction of station road with St Johns Way and Commerce Way.

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- 16 It is part of an area of protected employment land that continues north towards the railway line. There is a petrol filling station and a car showroom to the north of the site and an industrial complex to the west of the northern part of the site. The remainder of the west boundary and part of the south boundary adjoin residential development in St Johns Way and Paddock Close.
- 17 There is a vacant parcel of land on the opposite side of the road that benefits from planning permission for development with a pair of semi detached dwellings.
- 18 On the east side of station road, opposite the site, there is an industrial unit at the junction with Commercial Way, and four residential dwellings to the north of this. Further north there are another four residential buildings and then an industrial and warehousing area that continues to the railway line.
- 19 The site is fairly level. There are no topographical features of note. The buildings are of light industrial appearance. A small element of the building close to station road is two storeys in height and the remainder of the building is one storey. The open yard area is used for open storage of products and materials, vehicle parking and manoeuvring.
- 20 The site is in two parts. The first part is a vacant site approximately 0.22 ha bordered by hoardings along the boundaries with Station Road and St Johns Way. It benefits from planning permission for Class B1 (c) light industrial, Class B2 general industrial and Class B8 storage or distribution. This permission provides for vehicular access from St Johns Way. The planning permission has been implemented and the dropped kerb and pavement crossover for the access has been constructed. However the site has since remained vacant.
- 21 The other part of the site is occupied for buildings and a yard used by Fi-Glass Limited for the manufacture and moulding of fibre of glass reinforced products which are painted on site. This is a Class B2 general industrial use. This part of the site is served by two vehicular accesses off Station Road.
- 22 The existing site benefits from a Class B2 use throughout. There are no planning conditions controlling use, noise or emissions on any part of the site.

Constraints

- 23 Designated employment land

Policies

Sevenoaks Core Strategy

- 24 Policies - L01, L06, SP1, SP2, SP8, SP9, SP11

Sevenoaks Local Plan

- 25 Policies - EN1, VP1, EP8, EB1

Other

- 26 NPPF

Relevant Planning History

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- 27 04/01365/FUL - Erection of building for B1 (c) /B2/B8 uses. Granted
- 28 09/02003/LDCPR - Confirmation that planning permission granted under reference SE/04/01365/FUL has commenced and can be completed in the future without the need for any further consent. Granted

Consultations

Edenbridge Town Council

- 29 Edenbridge Town Council made the following comment on 24/4/13:

'support:

Members unanimously supported, with reservations, the application. Members had no objections on planning grounds and accepted the need for a food store and that there was nowhere in the town centre for the proposal. Members believe that the flood and surface water issues had been adequately catered for, and that the design had sufficient parking. However, members had reservations as to whether the aims of the 2006 Edenbridge Health check, to attract people into Edenbridge, would be met with a store of this size, as it would not be possible to provide a full range of price levels, (value through to finest), in the space which could fail to meet the aspirations of the 50% of customers who currently shop outside the town or those it is hoped to attract in from outside.

Members welcomed the verbal assurance given tonight that children's clothing would be included, but the need for adult clothing and shoes appeared to have been missed.

Currently Edenbridge has a good range of small mostly independent specialist shops in the High Street, providing jewellery, homewear, antiques, etc, but to further develop its status as a Rural Service Centre, as defined in the adopted Local Development Core Strategy 2011, the town needs to draw shoppers from a wide area and to do this it requires larger retail suppliers to provide the additional attraction to pull people in.

Members welcomed the fact that the wishes of the St John's Road residents had been heard and that the proposed entrance was on Station Road and that improvements to the St Johns Road/Station Road roundabout were to be included. "

- 30 Following the revision of access arrangements, The Town Council submitted revised comments on 10/7/13 as follows:

"Members object to this proposed amendment to the access arrangement on the loss of amenity, by design, to the residents of the Beeches Estate. The proposal does not contain a central reservation for cars turning into Tesco's car park which will lead to traffic backing up to and beyond the roundabout. Also there is no mention of the promised visual improvements to the roundabout."

Environment Agency

- 31 The Environment Agency has made the following comment:

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“We have no objection to the principle of the proposed development and should you be minded to grant planning permission, we request that the following condition be included for the following reasons.

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site, which includes details on future maintenance, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

The following comments are based on Flood Risk Assessment (FRA) ref 4631/2.3F dated March 2013 prepared by GTA Civils Ltd.

Our only concern regarding the proposal is with respect to the proposed means of surface water disposal. Paragraph 2.1 of the FRA suggests the current site area is 0.784 hectares (ha) of which only 0.2055ha is roof area. The drainage strategy in Appendix F of the FRA provides estimates of runoff from the current site to be 6.8, 15.6 and 19.3litres per second, for the 1yr, 30yr and 100yr storms respectively. This assumes the entire site is positively drained. However, the strategy states all runoff will be restricted to 19ls/ and while this is acceptable for the critical 100yr rainfall event, it could represent an increased rate of discharge for less severe, albeit significant rainfall events.

A significant area of the southern part of the site consists of permeable material which is not connected to the drainage system. The proposed development will result in most of this area becoming impermeable and positively drained, thereby representing an increased impermeable area and therefore, an increased rate of discharge. There is also a small increase in the proposed roof area. Although not stated, this will result in increased runoff to the watercourse north of the site following rainfall events of moderate return period.

This watercourse does present a risk of flooding to the Firfield Estate, which is also at risk from surface water flooding. This estate was flooded by surface water in July 2012 following a rainfall event of less than 20yr return period. The drainage infrastructure should therefore ensure proposed discharge to the watercourse is no greater for lesser events as well as the critical 100yr return period event.

This could be achieved by a number of ways using sustainable drainage techniques and by increasing the size of the rainwater harvesting tank.

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Informative:

The watercourse to the north of the site is "main river". Under the terms of the Water Resources Act 1991, any works, in, on, under or over main river or within eight metres from the top of bank or edge of culvert, will require our prior written consent. This is termed Flood Defence Consent. Therefore, any proposal to connect the proposed 300mm storm drain under Station Road will require flood defence consent from us"

Natural England

32 Natural England has offered the following comments:

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However when considering this application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).

The Town and Country Planning Association's publication "Biodiversity By Design" provides further information on this issue and the publication can be downloaded from <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>

Examples of biodiversity enhancements that can be widely incorporated into development proposals include:

Green/brown roofs

The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation.

Landscaping

Native species of plant should be used in landscaping proposals associated with development, unless there are over-riding reasons why particular non-native species need to be used. The nature conservation value of trees, shrubs and other plants includes their intrinsic place in the ecosystem: their direct role as food or shelter for species: and in the case of trees and shrubs, their influence through the creation of woodland conditions that are required by other species, e.g. the ground flora.

Nesting and roosting sites

Modern buildings tend to reduce the amount of potential nesting and roosting sites. Artificial sites may therefore need to be provided for bats and birds. There is a range of ways in which these can be incorporated into buildings, or built in courtyard habitats. Their location should provide protection from the elements, preferably facing an easterly direction, out of the direct heat of the sun and prevailing wind and rain.

Sustainable urban drainage systems

Many existing urban drainage systems are damaging the environment and are not, therefore, sustainable in the long term. Techniques to reduce these effects have been developed and are collectively referred to as Sustainable Urban Drainage Systems (SUDS). SUDS are physical structures built to receive surface water runoff. They typically include ponds, wetland, swales and porous surfaces. They should be located as close as possible to where the rainwater falls, providing attenuation for the runoff. They may also provide treatment for water prior to discharge, using the natural processes of sedimentation, filtration, adsorption and biological degradation.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application

KCC – Ecology Service

33 Kent County Council Ecology Service has made the following comments:

Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this "Biodiversity Duty", planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological information which has been submitted with this planning application in conjunction with the desk top information we have available to us (including aerial photos and biological records).

The ecological survey has assessed the site to have limited suitability to contain protected/notable species. We are satisfied with this assessment and we require no additional information to be provided prior to determination of the planning application.

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Lighting

The survey highlighted that there is some potential for the site to be used by foraging or commuting bats. Lighting can be detrimental foraging and commuting bats, we advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Breeding Birds

The site contains buildings and vegetation which could be used by nesting birds. All breeding birds are legally protected under the Wildlife and Countryside Act 1981 (as amended) We recommend that if planning permission is granted all buildings and vegetation is removed outside of the breeding bird season.

If that is not possible an experienced ecologist must examine the site prior to works starting and if any breeding birds are identified all work must cease until all young have fledged.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

It is welcomed that native species have been incorporated in to the proposed landscaping plan.

However consideration should also be given to including bat and bird boxes on to the building or boundary to enhance roosting/nesting opportunities within the site.

Kent Highway Services

34 Kent Highway Services has made the following comments:

On 6/4/13 (Note - revised comments were received on 2 July).

35 *Thank you for allowing additional time in which to discuss this application with the applicants.*

The application is for a food store of gross external area 2170 square metres with 120 parking spaces inclusive of 7 places for drivers with disability. Access would be from the B2026 Station Road.

The proposals raise a number of highways issues as set out below. Some of these have already outlined by other consultees.

a) Traffic generation. The applicants have estimated the traffic generation of the store using traffic surveys from comparable stores in the TRICS database. Estimates for the evening peak hour are 174 arrivals and 178 departures. This is approximately twice the level of traffic visiting the adjacent petrol station (based on a survey on 15th April 2013).

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- b) *The applicants are proposing a single access onto Station Road. This would be approximately four times busier than either of the two petrol station accesses. (In other words the Tesco access would be used by roughly twice as much overall traffic concentrated into one access rather than two.)*
- c) *The busy Tesco access on London Road raises concerns about safety and amenity for pedestrians using the western footway of London Road. This has intermittent levels of pedestrian flows, and sees highest use when people are walking to and from the railway station. For example, video provided by the applicant shows 17 pedestrians using the footway in the five minutes 16:36 - 16:41 on a weekday afternoon, and of these more than half are children returning home from school. Additional pedestrian flows would be expected to the Tesco store.*
- d) *The applicants are proposing that pedestrians should cross their access at a location set back from Station Road, however it is likely that most pedestrians will tend to ignore this and try to cross the mouth of the access as this would be the most direct route.*
- e) *Access to public transport is not good. The nearest bus stops would be 240 metres / 280 metres from the store entrance door, and this would deter many customers from travelling by bus, particularly as they would have to carry heavy shopping bags.*
- f) *Access to the store by bicycle would be mainly along the road network as the limited cycle path provision in the town is not yet sufficiently joined-up to provide an off-road route to the store. Considering the accessibility on foot, by cycle and by bus, the proposed store does not appear to be particularly accessible by sustainable modes of transport.*
- g) *The proposals are likely to increase delays to southbound traffic on Station Road when vehicles wait to turn right into the store and while being held up by northbound traffic. Transient queues of this type are already seen from time to time at the entrance to the petrol station. The applicants predict their customer traffic will be approximately twice the number of vehicles currently accessing the petrol station, and consequently the potential for holdups will be more than doubled. (The probability of hold ups occurring is dependent not only on the number of vehicles trying to enter the store car park but also dependent on the increased traffic on Station Road.) Congestion of this type is difficult to quantify, in particular because the traffic on London Road is not uniform but affected by pedestrian crossings and road junctions to the north and south of the site, which result in the traffic being platooned into groups of vehicles. The applicants have done some modelling of the store access onto Station Road, however the results are debatable because of the variable nature of the traffic.*
- h) *The proposals may result in transient queues out onto Station Road when customers experience difficulty finding parking spaces. This could create short-term delays to both northbound and southbound traffic on Station Road. The problem is already seen from time to time at the entrance to the petrol station.*
- i) *The proposals have the potential to create conflicting interactions between the Tesco access and traffic to / from the petrol station and car sales business, as the accesses would be only about 20 metres apart. It is likely that the busy Tesco*

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access will add to the difficulties experienced on the occasions when car transporters arrive to deliver vehicles to the Vauxhall dealers.

j) Parking provision. The number of parking spaces per square metre of shop would be very similar to that proposed by the Sainsbury application. It is not clear if this will always be sufficient, however there is no sound basis for insisting that more parking places should be provided.

k) Looking at the potential impact on the junction of Station Road and Four Elms Road, the results of traffic modelling are inconclusive. This is because the very variable traffic levels arriving at the junction are difficult for the PICADY software to process. It is likely however that the intermittent queues that are experienced here at peak periods will tend to increase in frequency and length.

l) The application site is only about 900 metres north of the Tesco in Edenbridge High Street, i.e. approximately ten minutes walk, and this prompts the question whether the smaller store might be considered unviable in the long term? Most of these issues could be addressed by taking all vehicular access and egress (including deliveries) off St John's Way. The main advantages would be:

No conflicting vehicle/pedestrian interactions at the busy access on Station Road

No risk of conflicting interactions with accesses to neighbouring businesses

Less delay from conflicting traffic movements on B2026 Station Road

Less potential for queues out of the site onto B2026 Station Road

Access would be onto a street with considerably less traffic and pedestrians

It should be possible to allow bus stops on London Road outside the store, subject to agreement with the bus operators.

I have sought the St Johns Way access / egress from the applicant's consultants but they are unwilling to change the plans. Without this improvement the proposed design is inadequate in respect of pedestrian safety and accessibility for pedestrians and public-transport users. It is therefore inadequate in terms of sustainability.

It is worth mentioning also that the Travel Plan is short on commitments for practical measures to increase sustainable travel. For example, it mentions that cycling could be encouraged if changing facilities were provided, but there is apparently no commitment to provide any.

Similarly the plan proposes to Encourage employers to set up and promote a guaranteed lift home, funding for car sharers, but it stops short of committing the applicants to this scheme. We would welcome any plans for improving accessibility for customers without cars or bicycles who do not live within easy walking distance. On the other hand, the applicant's commitment to widen the footway outside the store is welcome.

Recommendations

In view of the risk of vehicle / pedestrian collisions at the entrance to the site, and in view of the fact that a significantly safer design is achievable, I recommend

that the application is refused planning permission on the grounds of highway safety. The proposals would give rise to undue interference with the safety and convenience of pedestrians using the western side of Station Road. Moreover, the plans are inadequate in relation to pedestrian and public transport accessibility, and there is likelihood of intermittent additional congestion on Station Road, along with the potential for additional vehicular conflicts due to the close proximity of vehicular accesses to the petrol station, the car showroom and car workshop business.

However, if the Planning Authority decides to approve the application I would recommend the following planning conditions:

Section 106 Agreement

The developer shall be required to provide a Section 106 contribution of £10,000 for the provision of double yellow line waiting restrictions and other highway works approved by the applicant and that are adjacent the store. Reason: Highway safety, to ensure effective car parking management and control and improved amenity.

Section 278 Agreement

The developer shall enter into a S278 agreement with the Highway Authority to ensure that the revised site accesses and works to the footway are provided to appropriate standards. Design and implementation stages are to incorporate industry standard Safety Audits as considered necessary and appropriate. Reason: Highway safety.

Construction Vehicle Loading / Offloading / Turning

Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. Grounds: To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

Provision of Parking for Site Operatives / Visitors

Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. Reason: To ensure provision of adequate off-street parking for vehicles, in the interests of highway safety and to protect the amenities of local residents.

Works to Prevent the Deposit of Mud

Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances. Reason: Highway safety and amenity.

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- 36 On 2/7/13, the following revised comments were submitted in response to amended plans:

'thank you for consulting with us about the revised plans.

The application is for a food store of gross external area 2170 square metres with 122 parking spaces inclusive of 7 places for customers with disability, 5 spaces for parents with children and 5 spaces for staff.

In these revised plans the access to customer parking has been moved from B2026 Station Road to St Johns Way. This has the advantage of removing conflicts between pedestrian flows on the west footway of B2026 Station Road and customers' cars entering and leaving the car park. It also has the advantage of not creating intermittent congestion on B2026 Station Road at the entrance to the car park, and reducing the potential for vehicular conflicts due to the close proximity with the entrance to the petrol station. By contrast, both vehicular and pedestrian flows are lower on St Johns Way, so there is much reduced likelihood of conflicting movements occurring.

Access to the service yard and staff car parking would continue to be off B2026 Station Road, however the smaller number of access movements is not expected to be any worse than for the existing permitted site usage.

The applicants have estimated the traffic generation of the store using traffic surveys from comparable stores in the TRICS database. Estimates for the evening peak hour are 174 arrivals and 178 departures. (For purposes of comparison, this is approximately twice the number of arrivals and departures at the petrol station north of the application site, based on a survey on 15th April 2013.)

Other highways and transportation issues are as follows:-

1) The applicants have modelled the likely traffic impact of the proposals on the B2026 Station Road / St Johns Way roundabout, and the results demonstrate that the junction should operate well within capacity.

2) The applicants have also modelled the junction of B2026 Station Road and Four Elms Road. The results are not entirely clear, because the very variable traffic levels arriving at the junction are difficult for the PICADY software to process. There is also the complicating factor of a pedestrian crossing on one arm of the junction. The net result, however, is that it is likely the intermittent queues that are experienced here at peak periods will tend to increase in frequency and length.

3) Parking provision. The number of parking spaces per square metre would be broadly similar to that proposed by the Sainsbury application. It is not clear if this will always be sufficient, however there is no sound basis for insisting that more parking places should be provided.

4) Access to public transport is not good. The nearest existing bus stops would be 240 metres - 280 metres from the store entrance door, and this would deter many customers from travelling by bus, particularly if they would have to carry heavy shopping bags. The main local bus operator has been asked if it would be willing to divert the 231/233/236/237 services to pass the store, however the response was that this would be likely to result in a lower number of passengers than on the existing route via Fircroft Way. However the less frequent services

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232 and 234 pass the site and a Section 106 contribution for the installation of a bus stop is requested if the application is approved.

5) Access to the site for pedestrians is limited to a single route from the St John's Way / Station Road roundabout. I have asked for pedestrian routes along the pedestrian desire lines to the entrance door from the road at the northern and western site boundaries. However, these have not been forthcoming.

6) At the time of writing this response, the proposals as displayed on the Council website do not show where the proposed cycle parking would be located.

7) Access to the store by bicycle would be mainly along the road network as the limited cycle path provision in the town is not yet sufficiently joined-up to provide an off-road route to the store. Overall, considering the accessibility on foot, by cycle and by bus, the proposed store does not appear to be particularly accessible by 'sustainable modes of transport'.

8) The Travel Plan is short on commitments for practical measures to increase sustainable travel. For example, it mentions that cycling could be encouraged IF changing facilities were provided, but there is apparently no commitment to provide any.

Similarly the plan proposes to "encourage employers to set up and promote a guaranteed lift home fund" for car sharers, but it stops short of committing the applicants to this scheme. We would welcome any plans for improving accessibility for customers without cars or bicycles who do not live within easy walking distance. On the other hand, the applicant's commitment to widen the footway outside the store is welcome.

9) Details of the design of site entrances will need to be agreed with KCC Highways as part of a Section 278 agreement process and safety audits will be required.

Conclusion:

The National Planning Policy Framework requires that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Taking all the above issues into account, I do not intend to raise any objection on highways grounds, as the net impact of the application on the road network is unlikely to justify this.

I would request that any permission granted should be subject to the following planning conditions:

Section 106 Agreement

The developer shall be required to provide a Section 106 contribution of £10,000 for the provision of double yellow line waiting restrictions, a bus stop, and other highway works that are approved by the applicant and that are adjacent the store.

Reason: Highway safety, to ensure effective car parking management and control, improved amenity and encouraging sustainable transport. Unused funds to be returned to the Applicant.

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Section 278 Agreement

The developer shall enter into a S278 agreement with the Highway Authority to ensure that the revised site accesses and works to the footway are provided to appropriate standards. Design and implementation stages are to incorporate industry standard

Safety Audits.

Reason: Highway safety.

Construction Vehicle Loading / Offloading / Turning

Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

Grounds: To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

Provision of Parking for Site Operatives / Visitors

Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted to and approved by the Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

Reason: To ensure provision of adequate off-street parking for vehicles, in the interests of highway safety and to protect the amenities of local residents.

Works to Prevent the Deposit of Mud

Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: Highway safety and amenity.

Cycle Parking

Cycle Parking is to be provided as shown on drawing 28200-002-013 dated 2/7/13 or as otherwise agreed in writing with the Planning Authority in consultation with the Highway Authority.

Reason for condition: This drawing is not yet included in the application documents shown on the SDC planning web site."

SDC – Policy Team

37 Sevenoaks District Council Policy Team has made the following comment:

'thank you for the opportunity to comment on this application.

The key strategic planning policy issues are considered to be:

- The retail impact on Edenbridge town centre: and*
- The principle of retail development on an allocated employment site.*

Retail Policies

Core Strategy Policy LO6 states that in Edenbridge, 'the mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained'. This supports the key aim for the town, which includes retaining 'the role of Edenbridge as a rural service centre with a successful town centre and regenerated employment sites'. Para 4.4.9 states that Edenbridge town centre provides a range of local shopping serving the town and surrounding area...The Retail Study Update suggests there is only limited scope for increasing convenience shopping provision. 'the emphasis will be on maintaining a consolidated town centre and seeking opportunities for further improvement within the town centre area'.

In relation to Edenbridge Town Centre, this is consistent with the aims and policies of the Local Plan which expresses concern over the limited catchment of the town, competition from neighbouring centres and the vulnerability of the centre to the potential impact from out of centre retail uses, which should be resisted (Policy EB1 applies).

The Planning Policy team considers that Core Strategy Policy LO6 is consistent with the NPPF, in particular the need to "recognise town centres as the heart of their communities and pursue policies to support their viability and vitality", as set out in para 23.

Retail development is defined as a "main town centre use" in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an "out of centre" site.

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal: and*
- Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26):*

Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

At 2,170 sq m (of which 2,085 sq m is retail floorspace), the proposed store is below the 2,500 sq m threshold for an Impact Assessment. However, the

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applicant has submitted one to support the application. SDC has commissioned GVA to review the Retail Impact Assessments and Sequential Tests carried out by GL Hearn for Tesco (this application) and WYG for Sainsbury's (13/00134) and to consider the cumulative impact of permitting the two stores.

GVA conclude that the development of two foodstores would have an unacceptable impact on Edenbridge town centre. Their conclusions on the two stores individually are therefore relevant to determining either application and a summary of both are set out below.

Sequential tests

In reviewing the two applicant's sequential tests, GVA note that the two sites are similar in terms of accessibility, with the Tesco store being marginally closer to the town centre (although still too far to facilitate linked trips) and the Sainsbury's store being closer to Edenbridge Station (although GVA question how many people travel by train for the purposes of food shopping). The Planning Policy team concur with the GVA conclusion that no sequentially preferable sites within or closer to the town centre exist in Edenbridge and do not consider that either store is preferable to the other in this respect.

Choice and range of goods

GVA indicate that the Sainsbury store will increase the choice and range of goods and increase local competition within the town and that this will be greater than the smaller Tesco store. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre.

Expenditure claw back

GVA state that the larger Sainsbury's store will claw back more expenditure to the town than the Tesco store. However, whilst this is a secondary benefit in terms of reduced frequency and length of trips, this is not a stated planning objective for the town. Rather, the key aim is to protect the town centre and these proposal are not situated within the town centre nor do they have any stated direct benefits to it.

Retail Impact

Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole. In comparison, they estimate the diverted convenience and comparison expenditure of the Tesco store to equate to an overall impact of 11.7% on the town centre as a whole.

GVA consider that the Sainsbury's impact assessment over-estimates the amount of trade that will be drawn from surrounding areas and under-estimates the amount of trade that will be drawn from the Edenbridge area. As a result, they consider that the Sainsbury's assessment under-estimates the impact that the development would have on the Co-op and the Tesco Metro, with WYG estimating these impacts at 35% and 25% respectively, whilst GVA estimate these impacts at 50% and 30% respectively. GVA highlight a recent appeal decision (in Basingstoke and Deane) where the Inspector concluded that a potential trade draw of 18.5% from the anchor Asda store would be regarded as a 'significant'

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impact on the district centre as a whole, not because the Asda store would close but as a result of a “dramatic change in footfall in the centre” as a consequence of trade diversion to the proposed store, although they note that no two applications are the same.

The household survey carried out to support the Sainsbury’s impact assessment indicates that the Co-op is performing well and trading well above (c.52%) the company average, whilst the Tesco Express is found to be trading broadly in line with the company average. GVA estimate that the effect of the Sainsbury’s development would be to reduce the turnover of the Co-op store to 18% below the company average by 2018 and the Tesco Express store to c.25% below the company average. GVA consider that neither of these stores would close but note that there would be an inevitable reduction in linked trips to the town centre. Taking the impact of the convenience and comparison floorspace to be developed through the Sainsbury’s store into account, the forecast overall adverse impact of the Sainsbury’s proposal on the town centre turnover will be circa 26.5%.

GVA state that the Sainsbury’s proposal is “just within the margins of acceptability”. This is due, in part, to the fact that Edenbridge town centre is considered to perform a “wider than convenience (shopping) function and contains a number of key service uses which would be expected to continue to draw trips in their own right”. This is despite the fact that food shopping was cited as the main reason for visiting Edenbridge town centre in the results of Sainsbury’s household survey.

GVA also note that the conclusions in respect of the impact of the Sainsbury’s proposal are subject to risks, including greater than anticipated uptake of internet spending and/or slower than anticipated growth in expenditure, which could lead to greater impacts on the turnover of the town centre anchor stores. Also identified as a risk is the extent to which the Co-op store is currently over-trading and, therefore, the extent to which it can sustain a reduction in turnover without closing as a result of the development of an out of town centre competitor. In the context of this risk, GVA note that whilst the Sainsbury’s household survey suggests that the Co-op’s turnover is circa £11.8m at 2013, Tesco estimate the turnover of the store to be £7.8m at 2013, broadly in line with the company average, on the basis of their household survey. GVA have not been able to come to a view as to which turnover figure is more accurate and suggest approaching the Co-op (who have been unwilling/unable to release the figures on the grounds of commercial confidentiality, though they have objected to both planning applications) or commissioning a new household survey (which the Planning Policy team consider may produce a different answer but with no guarantee that it is more accurate). GVA state that “if the Tesco forecasts are taken to be more realistic, we would be more concerned about the levels of impact estimated by Sainsbury’s”.

GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store’s turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and underestimated the percentage of the store’s turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco’s assessment under-estimates the impact that the development would have on the

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Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%. Both of these figures are lower than the forecast impacts of the Sainsbury's store (35% from WYG and 50% from GVA), although GVA note that it is not possible to make direct comparisons between these figures as a result of the different approaches taken. Taking into account the small scale of comparison floorspace proposed at the Tesco store (130 sq m net), the impact of the store on the town centre as a whole is estimated by GVA to be approximately 11.7% (comparable with 26.5% for Sainsbury's).

In retail impact terms, GVA state that "it is evident that by virtue of its lesser scale and turnover that the proposed Tesco will have less impact on Edenbridge town centre than the Sainsbury's", which is considered to be "just within the margins of acceptability". Nevertheless, GVA recommend that "any reduction in footfall in the town centre is not favourable and, in certain circumstances, would lead to the closure of stores, increasing the vacancy rate and undermining the overall vitality and viability of the town centre". They recommend that the Council secure a commitment to Tesco maintaining the Tesco Express store in the town centre and seek a financial contribution to help reinforce the town centre and offset the loss of trade. GVA also suggest that if the Council is minded to approve a new out of centre foodstore it should restrict the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre and the overall sales area dedicated to comparison goods. The Planning Policy team concurs with these suggestions.

Given that GVA recommend that the impact of the two stores together would be unacceptable but that either could be permitted, a decision between the two must be made.

In terms of retail impacts, in favour of the proposed Sainsbury's is that it will be expected to bring about a greater claw back of trade into Edenbridge and achieve a greater reduction in car-borne trips than the proposed Tesco, as a result of its greater scale and anticipated retail offer, including the greater comparison goods offer. However, GVA question the extent to which this should be a determining factor. The Planning Policy team concur with this point, given that this trade would not be drawn back into the town centre and the key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres.

The GVA assessment notes that whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion, in particular with potential adverse impacts on the town centre, which are considered to weigh against the Sainsbury's application. The Planning Policy Team consider the protection of the vitality and viability of Edenbridge Town Centre to be the primary planning objective and that of the two proposals the Sainsbury application represents the greater risk to the centre.

In favour of the proposed Tesco store is the fact that it would have a less significant adverse impact on the town centre. The assessment of the impact of the proposed Tesco store on the Co-op is not subject to the same degree of risk, given that it is based on a more modest, and more in line with company average, assumed turnover for the Co-op store. GVA anticipate that the proposed Tesco store would bring about a reduction in car-borne trips to stores in surrounding

towns as a result of increased competition, which they expect to lead to greater competition on prices and wider choice and availability of products.

Given the above, the Planning Policy team recommend that only one store be permitted and that, as a result of its more modest impact on the town centre and lower risks, the Tesco store be considered the more acceptable option in terms of retail impact, subject to measures to maintain the vitality and viability of Edenbridge town centre being secured through condition or legal agreement.

Employment Land Policies

The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. Policy EP8 states that Class B uses will be permitted on land allocated for employment use. Policy SP8 states that 'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period'. This approach is considered to be consistent with para 22 of the NPPF, given the recent assessment of employment land requirements, as set out below.

The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for employment use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026. The Long Term Employment Space Projections for Sevenoaks District (2011) suggest that over the period to 2026 there is a requirement for approximately 4600 sq m of additional office space and 20,000 sq m of warehouse floorspace under the "medium" scenario. Under each scenario there is a decreasing requirement for factory floorspace. The Planning Policy team does not consider that the evidence provided proves these projected requirements to be unreasonable.

The application site makes up 0.78 ha of the 18.8 ha Station Road employment allocation. The applicant notes that loss of this area from B class business use would represent a 4% decrease in the area of the employment allocation. The application site currently comprises an existing industrial building (in B2 use) of 2160 sq m, which is currently used to manufacture fibre glass by the owner-occupier (Fi Glass), and a vacant area that has had planning permission for new employment development of 862 sq m for 8 years. The Employment Land Review notes that the total floorspace of buildings on the Station Road employment site is approximately 111,645 sq m. As the applicant notes, the loss of the existing building would result in approximately a 1.9% reduction in the total floorspace.

It is noted that the site currently accommodates 14 Full Time Equivalent (FTE) employees, whilst the proposed development is estimated to produce 100 FTE jobs, made up of 50 full time jobs and 70 part time jobs. The applicant has not assessed the number of jobs that could be accommodated on the site if the permitted employment development were to be built. Planning permission SE/04/01365, which has been implemented, permits development of 862 sq m for B1(c), B2 and B8 uses. The HCA Employment Densities Guide suggests that 862 sq m built out for B2 use (which provides the densest employment of the permitted uses, according to the HCA guide) would generate approximately 24

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FTE jobs. This indicates that even if the permitted development were to come forward and that the existing building were to remain occupied by the owners then the number of FTE jobs on the site (38) would be significantly lower than are forecast to be delivered by the development of the Tesco store (100). Redevelopment of the whole site to provide the same amount of employment generating floorspace (approximately 3000m²) in general office use at some stage in the future could accommodate approximately 250 jobs, according to the Employment Densities Guide.

The applicant considers that the existing buildings are in a poor state of repair and are no longer fit for purpose. This is not disputed by the Planning Policy team. It is also stated that the existing occupier is looking to relocate from the site to ensure their long term competitiveness. The applicant claims that the current occupiers (Fi Glass) require a much smaller facility (of approximately 330 – 400 sq m) to meet the company's anticipated future needs. However, it is not clear from the application that an alternative site has been identified. It is claimed that the owner of the site would have difficulty marketing it to other occupiers, given the quality of the buildings, and that they would need to be subdivided to meet the average B2 unit size required in Edenbridge. It is claimed that the costs of this refurbishment and the likely uplift in value would not result in a viable scheme. This is apparent from the estimates of costs and value uplift set out in paragraphs 8.12 and 8.14. It is noted that the estimate of value uplift is based on a yield of 9%. A yield of approximately 7.5% would be required to balance this simple costs and value uplift equation, with a further reduction required to provide an incentive to the owner/developer. It is considered that a significantly stronger market for B2 development and greater investor confidence would be required to produce this yield.

A redevelopment of the site for B1/B2 use is also claimed to be non-viable, although no viability evidence is provided to justify this position. Instead, the applicant claims that the fact that the extant permission for the southern part of the site has not come forward is sufficient evidence. It is not disputed that this indicates a weak market for employment development of this type in Edenbridge at the current time. However, Core Strategy Policy SP8 is clearly concerned with the need for business sites during the Core Strategy period (until 2026) rather than current market conditions. The site is not seen, by the applicant, as viable for redevelopment to B8 uses, given its relatively poor access to the Strategic Road Network. There is no evidence that the owner-occupier has tried to find a buyer or new tenant for the site for when they relocate. There is also no evidence that the owner of the land with the extant permission (Cooper Estates) has marketed the site to test whether another developer may be able to develop a viable scheme, including in combination with the redevelopment of the Fi Glass site.

The Planning Policy team does not consider that the applicant has proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8, which the Council believes to be compliant with para 22 of the NPPF. This is on account of the facts that part of the site is still occupied, there have been no apparent attempts to market the site and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment.

Planning Policy Recommendations

In accordance with the Council's retail consultants, it is recommended that only one of the proposed foodstores in Edenbridge be permitted on the grounds that permitting both the Tesco and Sainsbury's stores would have an unacceptable impact on Edenbridge town centre, as suggested by the Council's retail consultants. In terms of retail impact, the Tesco proposal should be favoured over the Sainsbury's proposal due to the more modest impact on the town centre and lower risks associated with the impact assessment.

It is recommended that in order to make the development acceptable in planning terms the following be secured through legal agreements:

- A commitment from Tesco to maintain the Tesco Express store in the town centre:*
- A financial contribution to help reinforce the town centre and offset the loss of trade:*
- A restriction to the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre: and*
- A restriction to the overall sales area dedicated to comparison goods.*

The Planning Policy team considers that the application does not comply with Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. This is on account of the facts that part of the site is still occupied, there have been no apparent attempts to market the site and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment. Despite this non-compliance, the Tesco proposal would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted development on the southern part of the site were to be built out. It also provides an opportunity for other planning benefits at Edenbridge such as an increased choice and range of goods within the town without a significant adverse impact on the town centre vitality and viability and trade in the town centre. As a result of these material considerations and the balance of benefits, the Planning Policy team recommends the approval of the Tesco proposal."

Sevenoaks Arboricultural Officer

38 Sevenoaks Arboricultural Officer has made the following comment:

'this location is either light industrial or waste ground awaiting some form of development. There are no issues with the current landscape as there are no trees or other vegetation of worth that will be affected.

I have therefore turned my attention to the proposed landscaping as this is an opportunity to add to what could be a beneficial and attractive green corridor, which is one of the main routes into the town. I suggest that this could be conditioned

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The applicant has shown details of boundary planting, which will be of great amenity benefit to this scheme should it be approved. I consider however that additional planting could be carried out within the internal areas of the site. There are a few available spaces that could be planted with additional trees, I would like to open up this discussion."

SDC - Environmental Health

39 Sevenoaks Council Environmental Health have made the following comment:

"Noise issues can be resolved by condition for this proposed development, section 4.4 of the Sharps Redmore acoustic report Project no: 1313288, suggests an acoustic fence 2 metres high, the possibility of a 10 dB reduction in noise from a 2 metre barrier is optimistic. I do believe any barrier should be higher if visual amenity will allow (2.5 metres +). Details of the construction of any proposed barrier will be required.

The gates to the service yard should be conditioned to require them to be closed at all times except for ingress and egress, they should be close fitting with minimal gap at the bottom and at the sides with a nominal density of 10 Kg/m². Section 5.2 of the acoustic report.

Section 6, mechanical plant and services, whilst an engineering solution is possible to overcome noise issues from plant and equipment, the applicant should be required to undertake a validation assessment of the noise from the plant and equipment once the installation is complete but prior to the store becoming operational and undertake further mitigation measures if sufficient attenuation has not been achieved.

Restricting operational hours and deliveries by condition and the possible inclusion of a noise management plan are also recommended as conditions, section 8 of acoustic report."

'this team has no objection to this development in principal subject to a suitable condition requiring a site investigation and any remediation if required. A contaminated land condition can be suggested on request, though you may have a standard condition for this purpose.

It should be noted that the environmental consultant has, as part of his report, made recommendations concerning the nature of the site investigation he proposes. Whilst I am in general agreement with his proposals I would take this opportunity to make a few observations:-

- *Currently no soil sampling is proposed on the footprint of the existing Fi Glass building. Either this will need to be rectified or acceptable justification provided.*
- *Window sampling to a depth of 4m is proposed (8.2). If groundwater is not encountered within this depth I would like to see further reasonable efforts made to obtain groundwater samples in order that the groundwater regime can be characterised.*
- *Three rounds of gas monitoring is proposed over a minimum of three weeks. Guidance document CIRIA 665 : (Assessing Risks Posed by Hazardous Ground*

Gases to Buildings) indicates that a minimum of four rounds of monitoring should be undertaken over a period of at least 4 weeks. If the consultant is aware of other alternate authoritative guidance that supports their proposal this can be discussed.”

Representations

40 94 notifications of support have been received. These raise the following points:

- The proposal would create new jobs in the community
- The store would be convenient for those in Marlpit Hill and Spittals Cross areas
- There is a need for a good supermarket that has choice and variety of products
- It's a good location for those without private transport
- Edenbridge needs a larger supermarket to cater for its growing population
- The improvements to the roundabout would be welcomed
- The proposal will bring life back into the town
- Prefer Tesco to Sainsbury's
- Tesco have constantly informed residents of their proposals whereas Sainsbury's have not.
- The store will improve the appearance of the street scene.
- The store will save people having to go into town to do their weekly shop.

41 54 notifications of objection have been received. These raise the following points:

- The proposal is contrary to planning policy
- There will be unacceptable noise and pollution from the traffic and delivery vehicles
- Do not need another mid sized store – they are already in the high street
- Increase in traffic in general
- Residents of St Johns Way will suffer further traffic congestion and loss of parking
- Early and late opening will have a detrimental impact on a quiet residential area
- Loss of Class B employment land
- No need for another Tesco – there is already one in the high street
- Edenbridge needs a full size supermarket with a petrol station
- Pedestrian entrance from St Johns Way should be sited further around the corner in Station Road
- The relocated entrance will have an unacceptable impact on amenity of residents

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Eden Valley Chamber of Commerce

- 42 The Eden Valley Chamber of Commerce have offered no comment directly on the planning application, but have released the following press release which has been provided as a comment:

“Eden Valley Chamber of Commerce vote overwhelmingly in favour of Sainsbury’s proposal

Following lengthy discussions with representatives of both the Sainsbury’s and Tesco’s bids and following a vote among its members, the chamber has given its overwhelming support to the proposals put forward by the Sainsbury’s team.

Peter Kingham, chairman of the chamber commented “we have looked carefully into the impact that these stores will have on Edenbridge generally and the businesses of the town in particular, we consider that the big store proposal of Sainsbury’s will bring much greater benefit to Edenbridge. In particular it will draw shoppers into the town and give us the opportunity to get our message to a greater number of people, drawing them to the High St and the great retail variety offered by the town.”

The chamber listed aspects of the bid such as a petrol station, the size of the store and the large clothing offer as major factors in their decision “we want Edenbridge to be a destination town and one that larger companies can invest in. The Tesco’s bid doesn’t achieve this at any level” said Mr Kingham. “We are particularly impressed by the willingness of the Sainsbury’s team to work with the chamber as well as other existing organisations in the town”.

Other comments from the vote reflect this opinion Sainsbury are ethically accredited by the Ethical Company Organisation. As a Fairtrade Town Edenbridge has an obligation to pick the most ethically transparent company, concerns about traffic congestion and impact on local homeowners with the Tesco’s site as well as the greater opportunities for employment from Sainsbury’s, were also cited.

Of course, not all votes were in support of Sainsbury’s but the majority, at least 80% were in favour, the rest of the vote being split almost equally between the Tesco bid or neither options. Mr Kingham commented further that “we hope that Sevenoaks District Council will give our comments their very serious consideration when deliberating both plans and I will be writing to SDC to give them our views together with full details of the vote and the comments of all members”

Head of Development Services Appraisal

Assessment

- 43 The main issues for consideration of this planning application are:

- The principle of development
 - loss of employment land
 - impact on town centre

- The design of development

- Highway implications
- Amenity impact
- Flooding, sustainability and ecology
- Other material planning considerations

Loss of Employment Land

- 44 Policy LO6 of the Core Strategy details the Council's aspiration for development in Edenbridge. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.
- 45 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.
- 46 Policy SP8 states that *'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.
- 47 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 48 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas.
- 49 One of the three roles that the NPPF identifies that the planning system should play in contributing towards the achievement of sustainable development is described in the NPPF as:

"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure"

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50 Paragraph 18 and 19 of the NPPF state

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

51 Paragraph 22 of the NPPF states

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

52 The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. The approach in these policies is consistent with para 22 of the NPPF.

53 The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

54 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

55 The use of land for retail purposes is specifically different to a business use in planning policy terms and is therefore inappropriate on protected employment land.

56 The application site makes up 0.78 ha of the 18.8 ha Station Road employment allocation which would represent a 4% decrease in the area of the employment allocation. The application site currently comprises an existing industrial building (in B2 use) of 2160 sq m, which is currently used to manufacture fibre glass by the owner-occupier (Fi Glass), and a vacant area that has had planning permission for new employment development of 862 sq m for 8 years. The Councils Employment Land Review notes that the total floorspace of buildings on

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the Station Road employment site is approximately 111,645 sq m. As the applicant notes, the loss of the existing building would result in approximately a 1.9% reduction in the total floorspace.

- 57 The site currently accommodates 14 Full Time Equivalent (FTE) employees, whilst the proposed development is estimated to produce 100 FTE jobs, made up of 50 full time jobs and 70 part time jobs. The applicant has not assessed the number of jobs that could be accommodated on the site if the permitted employment development were to be built. According to published guidance, the planning permission for the site (SE/04/01365), which has been implemented, would generate approximately 24 FTE jobs. This indicates that even if the permitted development were to come forward and that the existing building were to remain occupied by the owners then the number of FTE jobs on the site would be significantly lower at 38 than those to be delivered by the development of the Tesco store (100).
- 58 It is accepted that the existing buildings are in a poor state of repair and are no longer fit for purpose. It has also been stated that the existing occupier is looking to relocate from the site to ensure their long term competitiveness. The applicant claims that the current occupiers require a much smaller facility to meet the company's anticipated future needs. However, it is not clear from the application that an alternative site has been identified. It is claimed that the owner of the site would have difficulty marketing it to other occupiers, given the quality of the buildings, and that they would need to be subdivided to meet the average B2 unit size required in Edenbridge. It is claimed that the costs of this refurbishment and the likely uplift in value would not result in a viable scheme. This is apparent from the estimates of costs and value uplift set out in the submitted employment land study. It is considered that a significantly stronger market for B2 development and greater investor confidence would be required to produce this yield.
- 59 A redevelopment of the site for B1/B2 use is also claimed to be non-viable, although no viability evidence is provided to justify this position. Instead, the applicant claims that the fact that the extant permission for the southern part of the site has not come forward is sufficient evidence. It is not disputed that this indicates a weak market for employment development of this type in Edenbridge at the current time. However, Core Strategy Policy SP8 is clearly concerned with the need for business sites during the Core Strategy period (until 2026) rather than current market conditions. The site is not seen, by the applicant, as viable for redevelopment to B8 uses, given its relatively poor access to the Strategic Road Network. However there is also no evidence that the owner of the land with the extant permission (Cooper Estates) has marketed the site to test whether another developer may be able to develop a viable scheme, including in combination with the redevelopment of the Fi Glass site.
- 60 The applicant has not proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8 and the NPPF. This is because part of the site is still occupied and there have been no apparent attempts to market the site and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment.
- 61 However, the proposal would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted

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development on the southern part of the site were to be built out. It is considered that this benefit of the amount of increased job creation weights against the policy objection to the loss of employment land. This balance will be addressed in the conclusion of the report and taken into account along with the other considerations.

Impact on Town Centre

62 Policy LO6 details the Council's aspiration for development in Edenbridge. The mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained.

63 Policy EB1 of the Local Plan identifies the Edenbridge town centre, and states that proposals which will improve the range, quality and diversity of shops and services and provide for business, leisure and community needs will be permitted.

64 The emphasis on sustainable development in the NPPF, underpins the importance of protecting town centre uses and employment land. It states that local policies should:

“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”

Retail development is defined as a “main town centre use” in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an “out of centre” site.

65 The NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.”

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- *Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal: and*
- *Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26)”*

66 Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

67 A retail impact assessment has been submitted with the application. This assesses the impact of the proposal on Edenbridge town centre. In addition, SDC

has commissioned GVA to review the application submission and independently assess the impact of the proposal. GVA have produced a report which is appended to this assessment.

Sequential test

- 68 There are two sites which are of a sufficient size to realistically accommodate a large format foodstore with associated parking and servicing. These are the Co-op site, and land within the Local Plan Allocation EB3.
- 69 The Local Plan allocation has been largely built out by residential development which limits the extent of the site which is available. The site is constrained in terms of its scale (0.3ha) and its proximity to neighbouring residential uses. There is also an issue in achieving a suitable access arrangement. This site is not suitable to accommodate a foodstore.
- 70 The layout of the existing store on the Co-op site provides only a limited opportunity to accommodate a second store without a substantial degree of flexibility on the part of the applicant. It would also result in a loss of parking for the Co-op which is unlikely to be acceptable to the retailer. To accommodate a foodstore on this site would therefore necessitate the redevelopment of the Co-op store. This would require support from the Co-op which is highly unlikely given the competitive nature of operators. The survey results indicate that the existing store trades well which makes it unlikely that it will face closure in the near future therefore releasing the site for redevelopment. The site cannot therefore be considered as available.
- 71 In conclusion, no sequentially preferable sites within or closer to the town centre exist in Edenbridge. As such, the Tesco proposal passes the test of sequentiality

Choice and range of goods

- 72 The Tesco store will increase the choice and range of goods and increase local competition in the town although not to such a large degree as the proposed Sainsbury's store. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre, not outside of it.

Expenditure claw back

- 73 The Tesco store proposal will claw back some expenditure back into the town although not to such a large degree as the Sainsbury's proposal..

Retail Impact

- 74 GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store's turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and underestimated the percentage of the store's turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco's assessment under-estimates the impact that the development would have on the Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%

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- 75 Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Tesco store will lead to an overall impact of 11.7% on the town centre as a whole.
- 76 The GVA report has *recommend that “any reduction in footfall in the town centre is not favourable and, in certain circumstances, would lead to the closure of stores, increasing the vacancy rate and undermining the overall vitality and viability of the town centre”*. They recommend that the Council secure a commitment to Tesco maintaining the Tesco Express store in the town centre and seek a financial contribution to help reinforce the town centre and offset the loss of trade. GVA also suggest that if the Council is minded to approve a new out of centre foodstore it should restrict the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre and the overall sales area dedicated to comparison goods.
- 77 A legal agreement has been drawn up to control the following matters in relation to impact on the town centre.
- *A commitment from Tesco to maintain the Tesco Express store in the town centre:*
 - *A financial contribution to help reinforce the town centre and offset the loss of trade:*
 - *A restriction to the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre: and*
 - *A restriction to the overall sales area dedicated to comparison goods.*

These measures will help to ensure the impact on the town centre is contained.

- 78 As a stand alone application taken in isolation, subject to conditions and a legal agreement, the retail impact of the proposal is considered to be acceptable and therefore in accordance with policy LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF. Cumulative impact is considered separately at the end of the report.

The Design of Development

- 79 Policy SP1 of the Core Strategy states 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. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment.
- 80 Policy EN1 of the Local Plan identifies a broad range of criteria to be applied in the consideration of planning application. Criteria 1 states that the form of the 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. Criteria 2 states that the layout of the proposed development

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should respect the topography of the site, retain any important features including trees, hedgerows and shrubs.

- 81 The site in its current state is relatively run down and in need of regenerating and occupies a prominent location on the main route into Edenbridge town centre. The redevelopment of the site is an opportunity to improve the landscaping and pedestrian routes through the site thus improving the streetscape of this section of Station Road and Fircroft Way.
- 82 The site is visually prominent from both Station Road and St Johns Way. The scale of the proposed building is appropriate to the character of the location with consideration given to the elements that adjoin residential land and of the existing heights on the site and surrounding area.
- 83 The front elevation has a lower canopy running its length with a soffit height of 5m which is similar to the eaves height of a residential unit. The elevation faces the St Johns Way / Station Road roundabout approach and is shown in timber and glass with a pedestrian forecourt which leads to the parking provision.
- 84 The eastern elevation has a more industrial character which accords with the general character of the area although some of the materials used in the front elevation are continued onto this one to reflect its location onto a road. The North and west elevations are much simpler in character which is appropriate to their industrial neighbours.
- 85 The proposal is designed in a manner that would contribute to an improvement in the quality of the environment. The materials shown are appropriate to the proposed use and to the character of the locality.
- 86 New landscaping is shown across the site to enhance its visual appearance, create a more pleasant streetscape and to provide softening to the perimeter boundaries. The Arboricultural Officer considers that additional planting could be required within the car park to break up the hard landscaping further. This could be required by condition.
- 87 Subject to conditions regarding landscaping and requiring samples of materials to be used in the external appearance of the building, the proposal accords with policy EN1 of the Local Plan and SP1 of the Core Strategy in terms of design.

Highway Implications

- 88 Policy SP2 of the Core Strategy states that the Council will support and promote measures to reduce reliance on travel by car. Specifically it will support improvements to enhance the safety and convenience of public and community transport, seek improved facilities for cyclists and pedestrians, and require the inclusion of Travel plans and other appropriate measures in new developments that generate significant traffic volumes
- 89 Policy SP9 states that where new development creates a requirement for new or improved physical, social and green infrastructure beyond existing provision, developers will be expected to provide or contribute to the additional requirement.
- 90 Criteria 6 of policy EN1 of the Local Plan states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards.

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Criteria 10 states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.

- 91 Criteria 10 requires that the development does not create unacceptable traffic conditions on the surrounding road networks and is located to reduce where possible the need to travel.
- 92 Policy VP1 requires parking provision to be made in accordance with the KCC adopted vehicle parking standards.
- 93 Extensive discussions have taken place between the applicant and Kent Highways and as a result of Kent Highway Services (KHS) objecting to the location of the main access on Station Road, the applicant amended the main access to its current location on St Johns Way. This is an existing access to the permitted unrestricted industrial use of the site. Kent Highway Services considers that this access has the advantage of removing conflicts between pedestrian flows on the west footway of B2026 Station Road and customers' cars entering and leaving the car park, and would prevent intermittent congestion on B2026 Station Road at the entrance to the car park, thereby reducing the potential for vehicular conflicts due to the close proximity with the entrance to the petrol station. Because of the lower vehicular and pedestrian flows on St Johns Way, there would be a reduced likelihood of conflicting movements occurring.
- 94 Associated traffic movements to the service access and staff car parking as proposed is not expected to be any worse than for the existing permitted site usage.
- 95 KHS consider that the roundabout would operate well within capacity. They are satisfied with the number of parking spaces provided. There is no sound basis for insisting that more parking places should be provided.
- 96 Further information is required regarding the location of cycle parking. This can be dealt with via condition.
- 97 The proposal falls short in terms of commitments for practical measures to increase sustainable travel, although a commitment has been made in the legal agreement to widen the footway outside the store is welcome. A revised travel plan with a better commitment to such matters can be required by condition. It is expected that this would make provisions such as staff shower facilities at the store, and a staff car share scheme.
- 98 The Applicant has committed to contributions to deal with highway impacts as requested by KHS including £10,000 for the provision of double yellow line waiting restrictions, a bus stop, and other highway works that are approved by the applicant and that are adjacent the store.
- 99 KHS has required other matters to be controlled which be dealt with by condition including construction vehicle loading / offloading / turning, provision of parking for site operatives / visitors and works to prevent the deposit of mud.
- 100 It is considered that the impact of the store, subject to the completion of a legal agreement is acceptable and in accordance with policies EN1 and VP1 of the Local Plan.

Amenity impact

- 101 Criteria 3 of **policy EN1** of the Local Plan states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 4 states that the proposed development should not result in the loss of important buildings or related spaces.
- 102 The site is an established industrial site with an operation B2 use, and an extant planning permission for B1/B2/B8 use in accordance with the allocated use of the land for employment use. These uses are unrestricted in terms of hours of operation.
- 103 Access of the use of the B1/B2/B8 development totalling 862 sqm is off St Johns Way which serves a residential area to the west of the site.
- 104 The site is located adjacent to a residential area which lies to its west. Objections have been made about the impact of the store on the ease of access and amenity impact on the residential area.
- 105 The servicing area for the store which would be used by heavy vehicles is accessed from Station Road, well away from the residential properties. Kent Highways have addressed the customer traffic movements and found them to be acceptable given the context of the site.
- 106 The side of the car park which adjoins residential land is shown as landscaped to mitigate against any adverse traffic impact. It is considered that these properties would benefit from a restricted use of the land by domestic vehicles compared with the permitted unrestricted use by industrial vehicles. As such, the proposal would result in an improvement of the amenity of the adjoining occupiers.
- 107 The noise report which has been submitted with the application and assessed by the Councils Environmental Health team concludes that the development could proceed without detriment to the amenity of the adjacent residential occupiers. Sevenoaks Environmental Health agree that noise issues can be resolved by condition, and that the acoustic fence should be higher. Revised details of acoustic fencing and landscaping to mitigate the visual impact of this can be required by condition/
- 108 It is also recommended that details of the gates to the service yard should be conditioned along with further details of mechanical plant and services requiring a validation assessment of the noise from the plant and equipment once the installation is complete but prior to the store becoming operational and further mitigation measures to be undertaken if sufficient attenuation has not been achieved.
- 109 Operational hours and deliveries and requirement for a noise management plan can be required by condition, along with details of the external lighting of the store to ensure that excessive light spillage does not impact detrimentally on adjoining residents.
- 110 A condition would be required relating to site investigation and remediation.

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- 111 Given the existing and extant use of the site, the existing access arrangement and that the proposed use would be controlled in terms of hours of operation and noise, subject to appropriate condition, the amenity impact of the store is considered to be acceptable and in accordance with policy EN1 of the local plan.

Flooding, sustainability and ecology

- 112 Paragraph 103 of the **NPPF** states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- *“within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location: and*
 - *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning: and it gives priority to the use of sustainable drainage systems”*
- 113 Policy SP2 of the Core Strategy requires that all new commercial development is required to achieve BREEM “very good” standards and must incorporate sustainable drainage systems where practical together with arrangements to secure their long term maintenance. Achievement of BREEM standards must include at least a 10% reduction in the total carbon emissions through the on site installation and implementation of decentralised, renewable or low carbon energy sources.
- 114 Policy SP11 of the Core Strategy requires the biodiversity of the District to be conserved and opportunities for enhancement sought.
- 115 Based on the Flood Risk Assessment report that has been submitted with the application, the Environment Agency has requested the imposition of a condition regarding a sustainable surface water drainage scheme. This is because a significant area of the southern part of the site consists of permeable material which is not connected to the drainage system. Without a sustainable surface water drainage scheme, the proposal would result in most of the area becoming impermeable and positively drained, thereby representing an increased impermeable area and therefore, an increased rate of discharge. There is also a small increase in the proposed roof area which could result in increased runoff to the watercourse north of the site and present a risk of flooding to the Firfield Estate.
- 116 The Environment Agency have advised that this could be achieved by a number of ways using sustainable drainage techniques and by increasing the size of the rainwater harvesting tank. Provided this condition is imposed, the proposal would be in accordance with the requirements of the NPPF in terms of flood risk.
- 117 An environmental sustainability statement has been submitted with the application. This outlines the means by which the proposal will implement sustainable initiatives. These include LED lighting, a digitally controlled lighting system which makes optimum use of natural light, the use of aluminium instead

of copper in the main power transformer, glass doors on freezer cabinets, and natural ventilation. It is also committed that the store will be built to BREEAM standard “Very Good”.

- 118 The achievement of BREEAM “very good” standard can be secured via condition.
- 119 As such, the proposal would accord with policy SP2 of the Core Strategy, and the NPPF in terms of sustainability.
- 120 Natural England and Kent Ecology Service have assessed the submitted information and are satisfied that the proposal would have no adverse impact on habitats or species of ecological importance. They have suggested that biodiversity could be enhanced through, for example native planting around the site. This can be taken into account through submission of a revised landscaping scheme which will be requested via condition. A sustainable surface water drainage system will be required by condition. Details of the external lighting of the store would be requested in relation to residential amenity. Submission of details should also address the potential of the site for foraging bats.
- 121 Given that the site contains buildings and vegetation which could be used by nesting birds, a condition could be imposed requiring an experienced ecologist to examine the site prior to works starting and if any breeding birds are identified all work to cease until all young have fledged.
- 122 A condition could also be imposed requiring bat and bird boxes to be incorporated into the scheme to enhance roosting and nesting opportunities within the site.

Other Matters

- 123 A planning application is also under consideration for a foodstore at land on Station Road and Fircroft Way (ref SE/13/00134/FUL). This is being considered alongside this application, and an assessment of the planning merits of the scheme can be found in the committee papers.
- 124 The Applicant has submitted figures related to the cumulative impact of the Sainsbury and Tesco application. It finds that the cumulative impact on the Coop store would be 76% and on the Tesco store would be 52%.
- 125 It is recommended for refusal on the basis of loss of protected employment land and cumulative impact on Edenbridge town centre. Although this application has been assessed to be acceptable on its own merits, it has been established through the Councils own retail assessment by GVA **that the cumulative impact of this and the Sainsbury’s store would be unacceptable on Edenbridge town centre.** The impact has been detailed as follows:

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<u>Cumulative Impact</u>	<u>Based on Tesco's evidence</u>	<u>Based on Sainsbury's evidence</u>
The town centre as a whole	43%	37%
The Co-op	96%	64%
Tesco Express	45%	46%

- 126 The figures above show the impact on only the Co-op and impact on only the Tesco Express. While this may be an interesting exercise, it is not relevant to National or local planning retail impact policy which deals with impact on an entire designated town centre rather than individual stores. There is no local or national planning policy support for considering the impact of any proposal on a section of the town centre. Policy considerations relate to vitality and viability of town centres in their entirety.

Conclusion

- 127 In terms of design, highways impact, amenity impact, flooding sustainability and ecology, the proposal is considered to be acceptable and compliant in these respects with policies SP1, SP2, SP9 and SP11 of the Core Strategy, EN1 and VP1 of the local plan, and the NPPF.
- 128 The application does not comply with Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. This is on account of the fact that part of the site is still occupied, there have been no apparent attempts to market the site and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment. The proposal would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted development on the southern part of the site were to be built out. While the loss of employment land is contrary to local policy, the increase in jobs does weigh positively in favour of the proposal in accordance with the NPPF aim towards sustainable economic growth.
- 129 The proposal provides an opportunity for other planning benefits at Edenbridge such as an increased choice and range of goods within the town without a significant adverse impact on the town centre vitality and viability and trade in the town centre. Given these material considerations and the balance of benefits including the increase of job provision that the overall scheme would create, approval of the proposal is recommended subject to conditions and a legal agreement to mitigate against impact.

Background Papers

Site and Block plans

Contact Officer(s):

Joanna Russell Extension: 7367

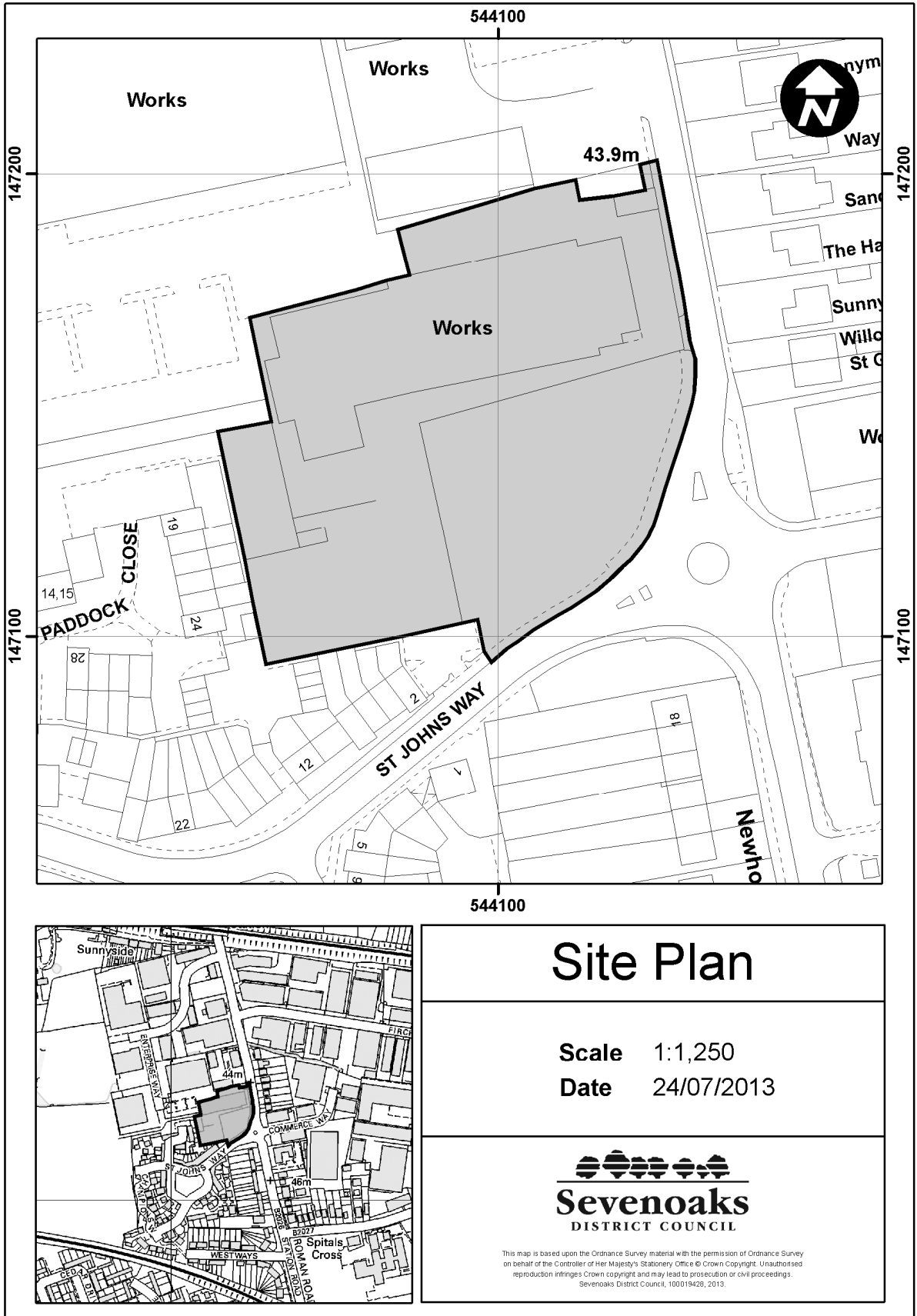
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MKB7PBBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MKB7PBBK8V000>



BLOCK PLAN



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4.3 – SE/13/00820/FUL Date expired 23 May 2013

PROPOSAL: Demolition of existing bungalow. Erection of part two/three storey detached 5 bedroom house with solar panels to south elevation, garage and parking

LOCATION: Bamptons, 2 Crownfields, Sevenoaks TN13 1EE

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to the Development Control Committee since the officer's recommendation is at variance to the view of the Town Council and at the request of Councillor Raikes who is of the opinion that the development is wholly acceptable.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The proposal would harm the character and appearance of the area due to the significant increase in the bulk, size and built form of the proposed house, together with the prominent siting of the property within the site and the creation of a large area of suspended hard standing. The proposal therefore fails to respond to the distinctive local character of the area and would not be compatible with other buildings in the locality. This conflicts with policy SP1 of the Sevenoaks District Core Strategy and policy EN1 of the Sevenoaks District Local Plan.

The development would not comprise an effective use of land. Consent exists for a development that would achieve a density of 40 dwellings per hectare, while the proposed development would only achieve a density of 10 dwellings per hectare. The proposal therefore fails to comply with paragraph 17 of the National Planning Policy Framework and policy SP7 of the Sevenoaks District Core Strategy.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,

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- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

Description of Proposal

- 1 The application seeks the approval of the demolition of the existing bungalow and the erection of a replacement detached dwelling and detached garage outbuilding. The dwelling would have the appearance of a two storey property but provide accommodation over three floors. Due to the levels of the site, which fall away steeply from the front of the plot to the rear, the rear of the building would possess three storeys.
- 2 The proposed house would have a similar site coverage compared with the existing bungalow and garage. However, the depth of the proposed dwelling would be between 10.7m and 12.3m whereas the bungalow has a depth of between 7m and 9m at its deepest point. The property has been designed with a footprint that is fairly rectangular in shape with various projections to the front and rear. At its highest point to the front of the property, the height of the proposed building would be 10.5m, rising to 11.5m to the rear. This would be a maximum of 7m higher than the existing bungalow.
- 3 The front facade of the house would possess one main front projection and a more subservient central roof projection, both of which would have gable ends. Single storey bay window projections are also proposed to both sides of the front elevation. The main roof would be hipped and would have a ridge height lower than that of the two front projections. Variations in fenestration are proposed as well as the use of different materials and a canopy over the front entrance providing some architectural interest to the front façade.
- 4 The rear of the building would have three separate sections, two being projections and the third being the central section of the building. Both projections would have a hipped end. Again, window openings would vary in appearance and would also include two sets of French windows. Flank windows are mainly proposed along the north facing elevation of the building. The rear of the building would stand three storeys in height given the drop in levels through the plot.
- 5 The proposed dwelling would be located a minimum of 13m back from the site frontage, being roughly in line with the front wall of the detached garage of 4 Crownfields, to the south-east of the site. The rear wall of the house would be set slightly forward of the rear wall of No.4.
- 6 The proposed garage building would be sited to the front of the proposed house, with the sloping frontage levelled to provide level footings for the outbuilding. The garage would be located a minimum of 9m from the site frontage, would be 5.3m

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high (rising to a maximum of 6.5m with the drop in levels), 6m wide and 6m deep. The garage would provide parking for two vehicles and the remaining hard standing would provide space for further parking and turning. Further ground works are proposed to the front of the house with both ramp and stepped access being provided to the main entrance and the southern side of the property, which would be at a lower level. Retaining walls would be required to the front left hand corner of the house and to the side of the garage building.

7 In comparison with the previous application submitted on the site, which was allowed by the Inspector (SE/10/02682/FUL), the footprint of the building has been increased due to an increase in the width of the building by about a metre. The height of the proposed house to the front and rear would also be significantly greater than that of the approved building, increasing by 2m to the front and 1m to the rear. In addition, the position of the house within the site would be very different, with the proposed house being brought forward by about 2m compared to the position of the approved building. The changes above have led to an overall alteration of the design and appearance of the proposed property compared with the approved building. Finally, the number of units proposed has been reduced from four flats to a single dwelling.

8 Table comparing the previously approved scheme against the current proposal –

	Approved scheme SE/10/02682/FUL	Proposed scheme SE/13/00820/FUL
Maximum height to the front	8.6m	10.5m
Maximum height to the rear	10.7m	11.5m
Maximum width	14.3m	15.2m
Maximum depth	12m	12.3m
Minimum distance to the front of site	15m	13m

Description of Site

9 The site comprises a single detached bungalow, set centrally within an elongated plot. The site slopes steeply from the street down to the front of the dwelling and continues to drop to its rear boundary. The bungalow does not feature significantly in most views of the site from the street, and views are clearly obtained over its roof profile from South Park and the top of Crownfields. The bungalow and adjoining garage occupy the width of the site with steep driveway access and hard standing for the parking of cars to the front of the bungalow. The remainder of the front of the site is soft landscaped with low level fencing which provides a feeling of openness at this point in the street.

10 The street falls steeply from its junction with South Park and the properties step down on the street meaning each one is set lower than its adjacent neighbour. At the bottom of Crownfields the land levels off with the dwellings at the bottom being largely on the same level.

11 No.2 sits adjacent to No.4 to the south and a public footpath to the north. Beyond the footpath is St. Thomas Primary school and No.1 South Park, a small single storey building set directly onto the highway. No.4 is set approx. 1m lower than No.2 with a detached garage set forward of the main dwelling. There is an

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obscure glazed window on the north flank of No.4 which currently looks across the rear of the existing bungalow.

- 12 To the rear boundary, the ground continues to fall away steeply towards No.12 Crownfields. There are a range of primary habitable window openings to the rear of this property, there is approximately 60m separation between existing buildings and some boundary screening. At present the existing bungalow cannot be seen from the garden area due to the change in levels, only the roof profile of the existing bungalow can be seen from the first floor rear window openings. There is a similar relationship with No.10 although at an angle, no part of the existing dwelling is visible from the garden area at No.10.

Constraints

- 13 The site lies within the urban confines of Sevenoaks.

Policies

Sevenoaks District Core Strategy

- 14 Policies - L01, L02, SP1, SP2, SP5 and SP7

Sevenoaks District Local Plan

- 15 Policies – EN1 and VP1

Other

- 16 The National Planning Policy Framework (NPPF) paragraphs – 14, 17 and 56
- 17 Sevenoaks Residential Character Area Assessment Supplementary Planning Document (SPD)

Planning History

- 18 SE/08/02042 - Demolition of existing bungalow and erection of five, two bedroom flats with associated parking. Refused 02.10.08, Appeal dismissed 27.10.09
- 19 SE/09/00352 - Demolition of existing bungalow and erection of five, two bedroom flats with associated parking. Refused 16.04.09, Appeal dismissed 27.10.09
- 20 SE/10/02682 - Demolition of existing bungalow. Erection of part two/three storey building comprising four flats (one three bedroom, two two-bedroom flats and one one-bedroom flat), four car parking spaces and four enclosed cycle parking spaces. Refused 16.12.10, Appeal allowed 13.07.11

Consultations

Town Council – 25.04.13

- 21 ‘Sevenoaks Town Council recommended approval.’

KCC Highways Engineer – 22.04.13

- 22 'I write to confirm that I have no objection to the proposals with respect to highway matters. I confirm that the car parking proposals are with standards.
- 23 The scheme utilises an existing access or vehicle crossover. However should works be required in the highway approval and a statutory licence will be required from Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800).'

KCC Public Rights of Way Officer – 11.04.13

- 24 'Public Rights of Way Footpath SU21 runs along the northern boundary of the property. I do not anticipate that it will be affected by the development. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 25 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.
- 26 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.
- 27 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 – 08.04.13

'Waste Comments

- 28 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to

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ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

29 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

30 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Water Comments

31 With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200'

Representations

32 One letter of representation has been received in duplication from the neighbouring school raising concerns regarding impact on the character of the area, impact on neighbouring amenity, overshadowing, loss of light and impact on the learning environment. A second letter of representation has also been received in support of the application.

Head of Development Services Appraisal

Principal Issues

33 The main issues in the consideration of this application are the principle of the development, the potential impact on the character and appearance of the area and the potential impact on neighbouring amenity. Other issues include parking provision, highways safety, Public Right of Way, drainage, sustainable development and the Code for Sustainable Homes.

Principle of the development –

34 The NPPF encourages the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (para. 17). Policy LO1 of the Core Strategy advises that development will be focused within the built confines of existing settlements, with Sevenoaks being the principal for development in the district.

35 In my view the site comprises previously developed land, which is not of high environmental value, and the development would take place within the built confines of Sevenoaks. The scheme therefore complies in this respect with the NPPF and policy LO1 of the Core Strategy.

- 36 Consent remains extant for the demolition of the existing bungalow and the erection of a building comprising four flats, SE/10/02682. I would acknowledge that the prevailing character of the area is one that is made up of individually designed two storey detached houses that are set back from the road, as identified within the Sevenoaks Residential Character Area Assessment SPD. However, the approved building has the appearance of a single dwelling. Hence the building was considered to be acceptable to the Inspector. Further to this I am of the view that the approved development would continue to be acceptable today given its appearance and following the adoption of the Sevenoaks Residential Character Area Assessment SPD.
- 37 I would therefore conclude that the development would not comprise an effective use of land in this instance. This is reflected in the density of the two developments, with the 2010 scheme achieving a density of 40 dwellings per hectare, which is in line with policy requirements for the Sevenoaks area (policy SP7 of the Core Strategy), and the proposed development only achieving a density of 10 dwellings per hectare. The current proposal, for a single dwelling, therefore fails to comply with paragraph 17 of the NPPF and policy SP7 of the Core Strategy.

Impact on the character and appearance of the area –

- 38 The NPPF states that the Government ‘attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’ (para. 56)
- 39 Policy SP1 of the Core Strategy states 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.
- 40 Policy EN1 of the Local Plan states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. This policy also states that the design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. I therefore consider that these policies are broadly consistent with the NPPF.
- 41 The Sevenoaks Residential Character Area Assessment SPD identifies locally distinctive positive features of the area as being individually designed two storey detached houses that are set back from the road and long panoramic views across verdant development including the Kippington Conservation Area and Character Area. In proposing new development in the area buildings should be set back from the road, development should not significantly detract from panoramic views across the area to the south east and mature trees and hedged boundaries which contribute to the character of the road should be retained.
- 42 The design of the front facade would, generally speaking, continue to create the impression that the property is a two storey dwelling. Stepped level changes along the frontage and the excessive height when viewed from both side elevations would, however, clearly indicate that this is not the case. I have concerns about the appearance of the front elevation, which is as a result of the different roof lines, window sizes and designs, and finishing materials creates a rather confused

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appearance. However, I would acknowledge that the design would be individual to the local area.

- 43 The site coverage of the building would remain larger than other residential properties in Crownfields. Other properties are either of similar width or depth but not an amalgamation of both. Further to this the application now proposes a building with a significantly greater height and width compared with that previously approved. To further compound the dominant appearance the property would have within the street scene, the dwelling has been sited further forward within the site than the building that has the benefit of planning permission. This would result in more of the three storey element of the rear of the house being exposed to views from the surrounding vantage points. It follows that the property would appear visually disproportionate to the scale of other residential units within Crownfields.
- 44 As with the previous, earlier proposals that were refused and dismissed at appeal, by retaining a levelled slab rather than responding to the contours of the site, I consider that the scheme would create a building with a bulky appearance which would appear to rise out of the ground rather than utilise the topography to its full potential. As a result the house would dominate the landscape visually in comparison with other buildings surrounding the site.
- 45 The applicant has provided a street scene view from South Park which indicates only the roof section would really be visible. This is somewhat simplistic and misleading in that as you approach the site along South Park, views are obtained of the site over the low level fencing which contributes to the open feeling of this part of the street and views down into the site are obtained.
- 46 The plan is a useful tool in comparing the height of the proposed dwelling in comparison with the neighbouring property at 4 Crownfields. However, the height of the proposed dwelling would be over 4m higher than No.4 at the ridge of the large gable ended section of the house. To provide some context, the existing bungalow is roughly 1.5m lower in height than No.4. The proposal would therefore not respond positively to the drop in levels from north to south along the street.
- 47 The garage outbuilding would also, in my view, create a structure that would have a dominant appearance within the street scene. However, a similar sized garage building stands to the front of 4 Crownfields. This is in closer proximity to the frontage of the plot compared with that proposed for 2 Crownfields but does have the benefit of being screened by mature soft landscaping along the front boundary of the site. Given the situation at No.4, I would conclude that the proposed garage would impact the character of the area but this impact, on balance, would not have a detrimental impact.
- 48 The level of hard standing to the front of the site is comparable to that approved as part of the previous scheme. However, due to the significant level changes proposed to the front of the house the proposed parking area would have a suspended appearance, a feature not found elsewhere in the street scene. Some landscaping is shown to the frontage of the site but it would not be possible to wholly screen the suspended appearance of the parking and turning area.
- 49 I therefore consider that the proposed scheme has taken a backwards step in terms of the progress that had been made with regards creating an acceptable scheme for the site. Indeed, the proposed house draws comparisons with the

building refused by the Inspector under SE/08/02042/FUL in terms of its proposed dimensions and siting within the plot.

- 50 The increase in the bulk, size and built form of the proposed house, compared to the building approved under SE/102682/FUL, would be to the detriment of the character of the area. So too would the location of the dwelling further forward in the site and the creation of a large area of suspended hard standing. The proposal therefore fails to respond to the distinctive local character of the area and would not be compatible with other buildings in the locality.

Impact on neighbouring amenity –

- 51 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 52 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 53 I consider that the neighbouring residential properties most affected by the proposed house would be the adjoining dwellings to the north, 1 South Park, and south, 4 Crownfields.
- 54 Elsewhere, neighbouring properties on Crownfields to the south-west of the site, Nos. 10 and 12 would remain a significant distance away from the proposed building, roughly 55m. However, due to the steep topography when looking north-east from the first floor rear openings at No.12 the roof of the existing bungalow is visible.
- 55 The proposed development would still be clearly visible from the rear window openings and lower garden space, but most prominent from the first floor openings. Although the proposed windows would look directly towards No.12, given the separation distances involved and the screening impact of the existing boundary screening within the ownership of No.12, I consider there would continue to be a perception of being overlooked rather than a sustained and intrusive actual loss of privacy.
- 56 I would also acknowledge that the dwelling would be sited close to the northern boundary of the site, separated from the adjacent primary school by a public footpath, and some northern flank openings face towards the school. However, the house would remain well screened by established tree coverage along the southern boundary of the school grounds. In addition, the gap between the proposed property and the school buildings would be sufficient not to be overbearing, dominant or impact outlook.
- 57 To further protect amenity, the upper floor windows that are proposed to be secondary windows or to serve bathrooms could be obscure glazed to prevent overlooking and a loss of privacy. As there is no permanent residential accommodation at the school, and with the existing screening I do not consider that there would be any harmful impact on the amenity of the school from the proposed scheme.

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- 58 South Park Cottage is set to the front of the application site, at a raised level compared to the application site. There would be views obtained of the development from the flank and rear elevation openings at this property, however, given the lower levels of the application site, oblique angle of view and distance of separation (approx. 30m) I consider that there would be no significant harm to the amenities enjoyed by the occupiers of this dwelling.
- 59 The proposed house would be sited significantly forward of the front wall and just forward of the rear wall of 4 Crownfields. The distance of separation between the two properties would be a minimum of about 6m to the main part of No.4. In addition, No.4 has a main aspect to the front and rear of the dwelling, with a single obscure glazed side facing window onto No.2.
- 60 The position of the proposed house, the orientation of No.4 and the position of the detached garage at No.4 means that the proposed dwelling would not cause a detrimental loss of outlook from the front and rear facing windows of No.4 as well as the rear amenity area of the neighbouring property. The arrangement of No.4 and the distance of separation to the proposed house would also ensure no overbearing effect was created. No.4 is to the south of the application site and so no loss of sunlight would occur. The relationship between the two buildings would also result in no detrimental loss of daylight.
- 61 The new property would have some side facing windows in the southern elevation of the building. These would either serve bathrooms or would be secondary windows and so it would be possible to preserve privacy and prevent overlooking by obscuring the glazing in these windows. A large number of rear facing windows are proposed for the new dwelling. However, these would only have oblique views across the rear amenity area of No.4, the main aspect being to the far end of the neighbouring rear garden. The raised terrace to the rear of the house would also cause no loss of privacy or overlooking in my view.
- 62 The proposed house would retain a minimum distance of just over 23m to the rear of 1 South Park, the garage a distance of about 9m. A difference of levels also exists between the two sites, No.1 being set at a higher level to 2 Crownfields. These distances of separation and difference in levels would prevent any detrimental loss of outlook from the rear of No.1 and any significant overbearing effect. The application site is to the south of No.1 but I believe that, due to the distances of separation and changes in levels that the development would lead to a significant loss of daylight and sunlight.
- 63 The front windows of the proposed house that would be closest to No.1 would serve a library and a bathroom. The library would be at ground floor level for the front of the site and so would allow little in the way of overlooking or cause a loss of privacy. The bathroom window, at first floor level, would potentially provide views across to No.1 causing a loss of privacy. I am therefore of the opinion that this window could be obscure glazed to prevent any detrimental impact. Other first floor windows to the front of the proposed house would be further away and the view towards No.1 from these windows would be at a more oblique angle. As mentioned above, the upper floor windows in the northern side elevation, which are proposed to be secondary windows or to serve bathrooms, could be obscure glazed to prevent overlooking and a loss of privacy.

- 64 Overall, I therefore consider that the proposed building would, on balance, not have a detrimental impact on the adjoining neighbouring properties to the site and would provide a satisfactory environment for future occupants.

Other Issues

Parking provision and highways safety –

- 65 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.
- 66 The proposal comprises the provision of a minimum of 2 parking spaces on site, a figure that complies with current parking standards. The proposal would also utilise the existing access to the site, with some alterations proposed to the levels of the front of the plot to level this area out more from the existing steep gradient to also allow for the turning of vehicles.
- 67 As confirmed by the Highways Engineer, the parking provision, continued use of the existing access and turning area proposed are wholly acceptable.

Public Right of Way –

- 68 A public right of way abuts the site, along the north-west boundary of the plot. This would appear to be unaffected by the proposed development but the applicant can be notified by way of informative that any necessary stopping up or works to the right of way would first require a separate consent.

Drainage –

- 69 Thames Water have raised no objection to the proposal with regard to sewerage infrastructure and have confirmed that surface water drainage it is the responsibility of a developer to make proper provision for drainage and that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The applicant can be informed of this by way of an informative on any approval of consent. They can also be informed that the area is covered by the South East Water Company for water supply.

Code for Sustainable Homes –

- 70 Policy SP2 of the Core Strategy requires that new homes achieve at least Level 3 of the Code for Sustainable Homes. Applicants must submit evidence which demonstrates how the requirements have been met or which demonstrate that compliance is not technically or financially feasible.
- 71 This matter has been acknowledged by the applicant as part of their submission. However, details as to how the new dwelling would achieve Code Level 3 are not wholly included. It is, however, possible to require that the applicant submit full evidence that the development will achieve Level 3 of the Code for Sustainable Homes by way of condition attached to any approval of consent for the application.

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Sustainable development –

- 72 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-
- 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;
 - specific policies in this framework indicate development should be restricted; or
 - material considerations indicate otherwise.
- 73 In my opinion, the proposed scheme would not wholly accord with the development plan, and I have explained this in detail above. It follows that the development is not appropriate and there would be adverse impacts in granting planning permission for the development.

Access Issues

- 74 Ramped access would be provided to the front entrance of the house providing access for all individuals.

Conclusion

- 75 It is considered that the proposed replacement dwelling would have a detrimental impact on the character and appearance of the area and would represent an underuse of the site. Consequently the proposal is not in accordance with the development plan and therefore the Officer's recommendation is to refuse.

Background Papers

Site and Block Plans

Contact Officer(s): Mr M Holmes Extension: 7406

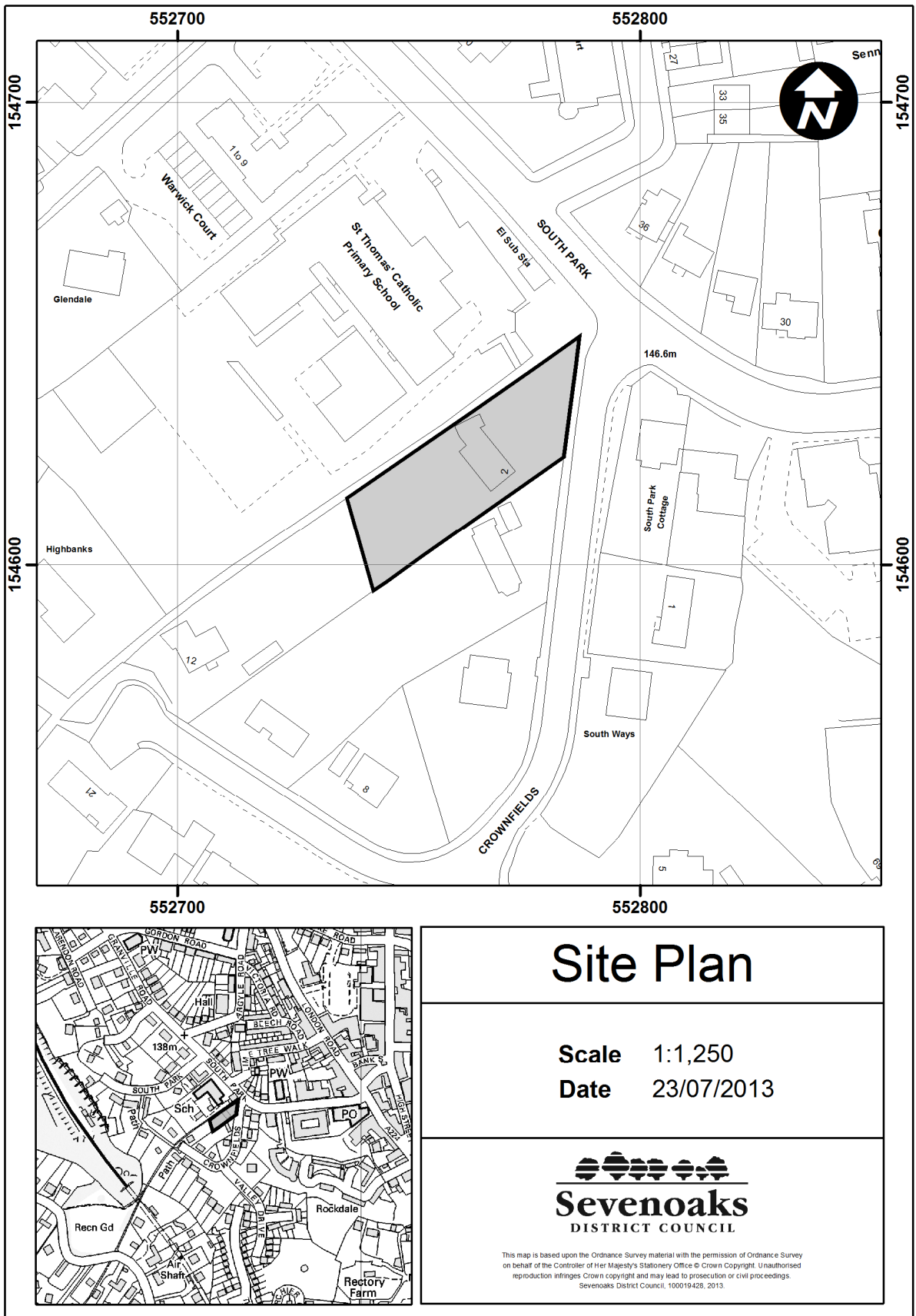
Pav Ramewal
Chief Executive Designate

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MJU044BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MJU044BK0L000>



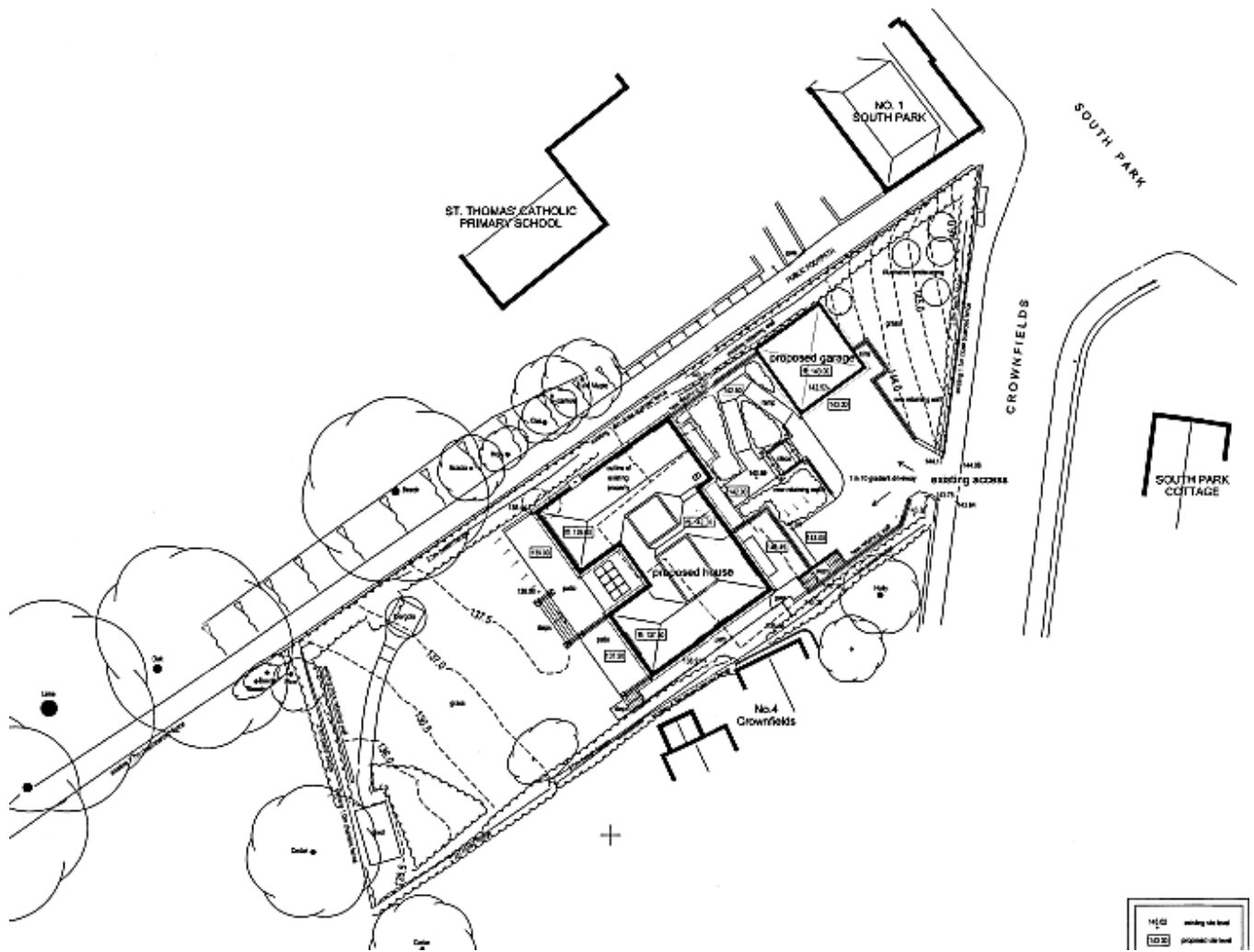
Site Plan

Scale 1:1,250
Date 23/07/2013



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Block Plan



4.4 - SE/13/00481/FUL Date expired 23 April 2013

PROPOSAL: Proposed new vehicle crossover to Brittain's Lane.

LOCATION: New Beacon School , Brittain's Lane, Sevenoaks TN13 2PB

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillors Avril Hunter and Andrew Eyre who have concerns regarding the possible detrimental impact of the development upon highway safety.

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 gradient of the access should be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

In the interests of highway safety.

3) No development shall take place until details of the automated barrier have been submitted to and approved by the Local Planning Authority. The automated barrier with key pad/card swipe operation shall be placed at least 5m back from the carriageway edge in order to minimise backing up on Brittain's Lane and interruption to through traffic. The approved scheme shall be implemented before the use of the access commences.

In the interests of highway safety

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 11-006BEA-SP(60)601/602.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1T

The following is a summary of the main reasons for the decision:

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

Any potentially significant impacts relating to highway safety can be satisfactorily

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mitigated by conditions.

Informatives

1) The applicant will need to enter into a Section 278 agreement with the Highway Authority so that this authority can satisfactorily obtain appropriate construction details and integration with Brittain's Lane.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and

Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was dealt with/approved without delay.
- 2) Did not require any further assistance as the application was acceptable as submitted.

- 1 Members will recall that this application was deferred at the 23rd May 2013 Development Control Committee for further clarification in terms of the need and operation of the new barrier and access, and for further comments from KCC Highways regarding the supporting Transport Statement.
- 2 The transport report by SLR Consulting Ltd was submitted in support of the application just before it went to Committee stating that the new access proposed will be 'used by staff and parents' and according to the agent who spoke at the committee, will be completely open at peak times (rather than barrier controlled by card).
- 3 Further clarification was submitted by the applicants through the submission of:
 - *Details of the gradient and gate position at the proposed new entrance*
 - *Plan indicating traffic analysis through the school site as existing.*
 - *Plan indicating traffic analysis through the school site as proposed.*

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- 4 The applicants also (in response to the question being raised at Committee) clarified the reasoning for the new access and arrangements, which are stated as follows:
- 1) *the new access (now reduced in width as preferred by KCC) will reduce the congestion at the main (south) gate and will reduce the instances of cars turning into the site across oncoming traffic - reducing queues on Brittain's Lane.*
 - 2) *the new access and drop off for years 7 & 8 on the car park to the south of the Design & Technology block will reduce the number of cars dropping off at the north end/bottom of the site. This together with the additional parking provided at the bottom of the site should reduce congestion in front of the Sports Hall.*
 - 3) *the proposals will reduce instances of cars stopping on the main circulation route causing congestion.*
 - 4) *drop off and collection will be better distributed/dispersed throughout the site with reduced need for children to trek back up the site (across the main vehicle route) from the Sports Hall end.*
 - 5) *better traffic flow should reduce instances of stopping on the main circulation route through the site holding up general flow.*
 - 6) *drop off and collection to the south of the Design and Technology block should reduce instances of cars stopping between the Arts/Music block and the Main School Building which is currently very congested at peak times.*
 - 7) *the combination of the additional entrance off Brittain's Lane and the proposals for easing of traffic flow throughout the site described above will both reduce the volume of cars using the main entrance and reduce queues on Brittain's Lane.*
- 5 The KCC Highways officer has been consulted on the latest drawings and has stated that he would agree that there *'would be better distribution of vehicle movements within the school and thereby reduced congestion both within the school and for Brittain's Lane with this management plan. I confirm therefore that I have no objection to these proposals with respect to highway matters.'*
- 6 He also states that drawing 11-006BEA-SP(60) 601 rev:A shows an acceptable access arrangements in terms of width and set back, and contrary to his previous comments, a S278 agreement (regarding appropriate construction details and integration with Brittain's Lane) is no longer considered necessary.
- 7 It is therefore considered that the submitted information clarifies the development in terms of the need for it and in terms of highway impact, this will not be harmful.
- 8 Notwithstanding this, the committee report states that the nearest residential dwelling are along St Julians Way, however it is it should be noted that the dwelling immediately to the south of the northern exit to the site, No 1 New Beacon Bungalow, is not within the ownership of the school. The proposed access is sited approximately 35m from this property, and it is considered that this distance, along with the landscaping and screening along the boundary to the property, will prevent any unacceptable increased impact in terms of noise upon these property.

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- 9 It should also be noted that, as stated, the application site is located within the Green Belt. The new access and barrier system will have no detrimental impact upon the openness of the Green Belt.
- 10 Finally two further letters of objection (from previous objectors) have been received since the May Committee, concerned with highway safety and the possible future expansion of the school.
- 11 The highways issue has been addressed above and previously in this report, and any future applications for the School will be considered on its own merits.
- 12 The recommendation for approval therefore remains unchanged.
- 13 The report originally submitted to the Development Control Committee on the 23rd May 2013 is attached as Appendix A, together with a copy of the late observation sheet for the 23rd May 2013.

Contact Officer(s): Ben Phillips Extension: 7387

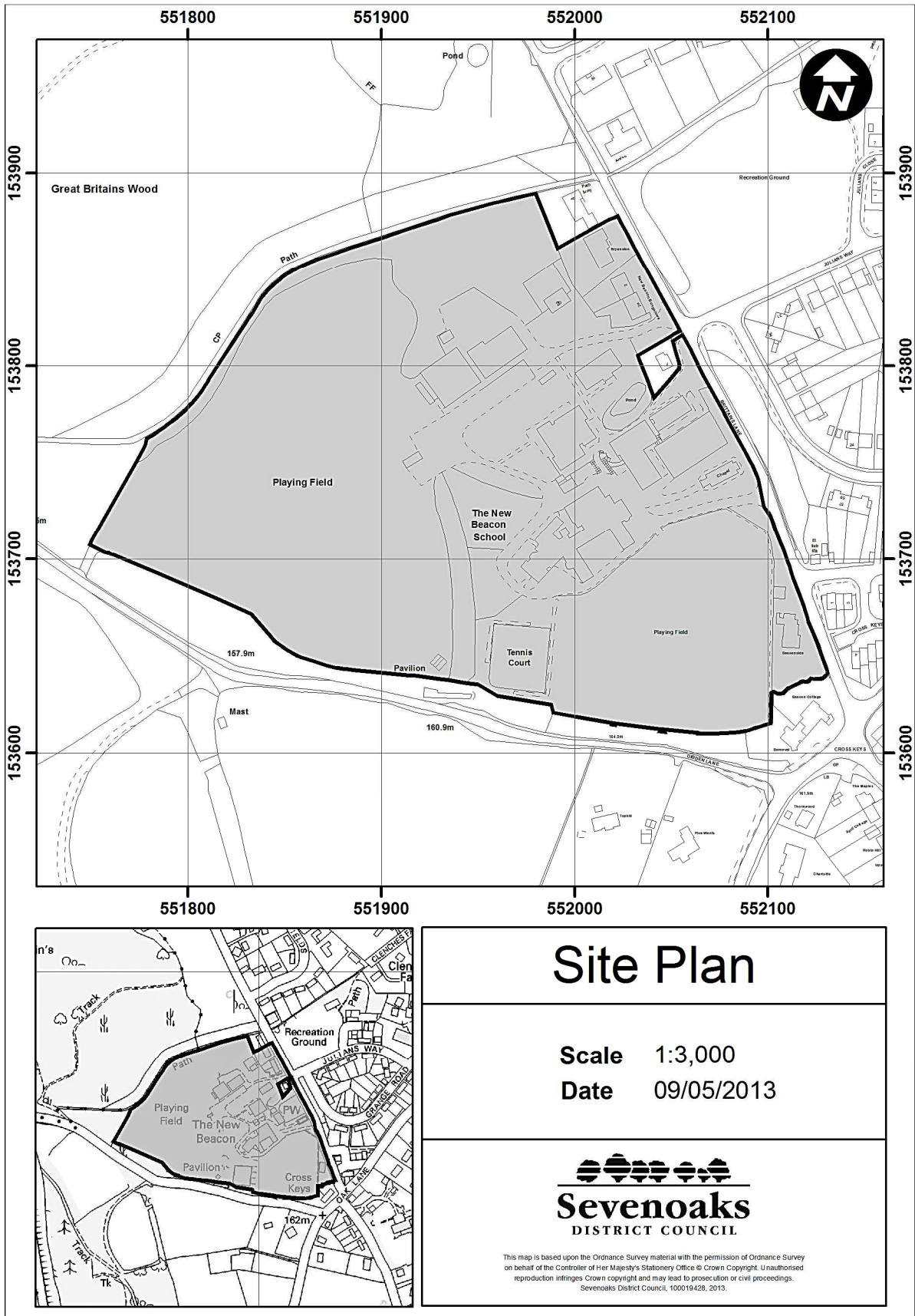
Pav Ramewal
Chief Executive Designate

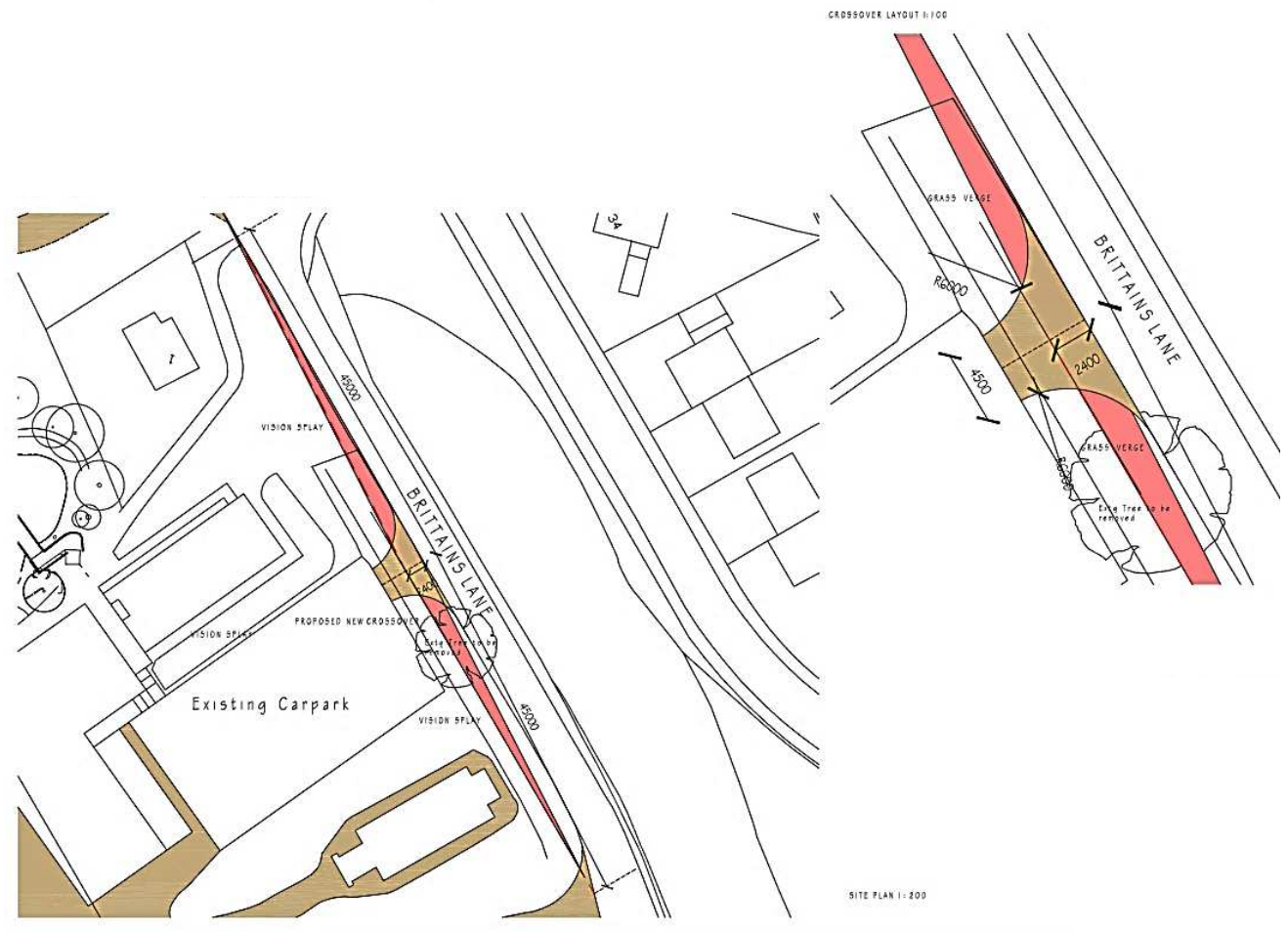
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MIEOXZBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MIEOXZBK8V000>





Original Development Control Committee report – 23rd May 2013

4.2 – SE/13/00481/FUL Date expired 23 April 2013

PROPOSAL: Proposed new vehicle crossover to Brittain's Lane.

LOCATION: New Beacon School, Brittain's Lane, Sevenoaks TN13 2PB

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillors Avril Hunter and Andrew Eyre who have concerns regarding the possible detrimental impact of the development upon highway safety.

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 gradient of the access should be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

In the interests of highway safety.

3) No development shall take place until details of the automated barrier have been submitted to and approved by the Local Planning Authority. The automated barrier with key pad/card swipe operation shall be placed at least 5m back from the carriageway edge in order to minimise backing up on Brittain's Lane and interruption to through traffic. The approved scheme shall be implemented before the use of the access commences.

In the interests of highway safety

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 11-006BEA-SP(60)601/602.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1

The following is a summary of the main reasons for the decision:

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

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Any potentially significant impacts relating to highway safety can be satisfactorily mitigated by conditions.

Informatives

- 1) The applicant will need to enter into a Section 278 agreement with the Highway Authority so that this authority can satisfactorily obtain appropriate construction details and integration with Brittain's Lane.

Description of Proposal

- 1 Following recent developments on site, the school wish to open up a new vehicle access to Brittain's Lane, to provide access to the existing staff car park located between the teaching blocks and chapel. The new access will be located on the eastern side of the site, in between the two existing accesses to the site.
- 2 Use of the new access will be controlled by automatic barrier featuring card swipe/keypad protection, will involve the removal of a grass verge and close boarded fence and will be constructed of tarmac.

Description of Site

- 3 New Beacon School is located along Brittain's Lane on the outskirts of Sevenoaks, within the Green Belt.
- 4 The school is in the process of implementing a number of improvements to the facilities. Part of this involves the creation of a more efficient parking layout.

Constraints

- 5 Metropolitan Green Belt

Policies

Sevenoaks District Local Plan

- 6 Policies - EN1, VP1

Sevenoaks Core Strategy

- 7 Policy - SP1

Others

- 8 Supplementary Planning Documents Sevenoaks Character Area Assessment'
- 9 NPPF

Planning History

- 10 A number of historic applications for new school building, none particularly relevant.

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Consultations

KCC Highways

- 11 *Thank you for inviting me to comment on this application. I write to confirm that I have no objection to this proposal. The visibility splays proposed are appropriate and acceptable. If this application is approved I would be grateful if you could add as a condition that the applicant will need to enter into a Section 278 agreement with the Highway Authority so that this authority can satisfactorily obtain appropriate construction details and integration with Brittain's Lane.*
- 12 *Gradient of the access should be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.*
- 13 *I note that it is intended to provide an automated barrier with key pad/card swipe operation.*
- 14 *This feature will need to be placed at least 5m back from the carriageway edge in order to minimise backing up on Brittain's Lane and interruption to through traffic.*
- 15 *I hope the above is helpful but if I can be of any further assistance, please do not hesitate to contact me.*

Further comments:

- 16 *Thank you for your enquiry. I can confirm that there have been no injury crashes on this section of Brittain's Lane for at least the last 10 years. The new access proposed is in a more prominent position with better visibility than that currently used.*
- 17 *Whilst there is no accounting for all the actions of all individuals, it is a fundamental principle that Kent Highways and Transportation would not favour any arrangement that it regarded as unsafe. Counter intuitively whilst there may be congestion, this condition is one that is conducive to slow speeds and is relatively safe. Despite fears, injury crash records outside schools are often very good.*
- 18 *I reconfirm that I am satisfied with the safety aspects of this proposal but consider that more design work will be required to ensure that appropriate gradients can be attained between Brittain's Lane and the existing car park.*
- 19 *I hope the above is helpful but please do not hesitate to get back to me if I can be of any further assistance*

Sevenoaks Town Council

- 20 *Sevenoaks Town Council recommended refusal unless the Highways Officer confirms that the proposals will improve highway safety.*
- 21 *Informative: The Town Council requested that a more holistic view of the site be taken when rethinking current access/egress arrangements.*

Representations

- 22 Four letters of objection were received, which are summarised as follows:

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- Ways of reducing vehicle movements should be explored before expanding car parking and yet more vehicle movements in this very narrow part of Brittain's Lane.
- The new access is being proposed at the brow of a hill close to a junction so good sight lines will be very difficult to achieve.
- This proposal will generate queuing traffic on an already very busy stretch of road. As far as I can see this is just going to cause a bottleneck and further congestion.
- The lane is dangerous and isn't designed for the level of traffic that it is now supporting. The proposal will cause more queues and traffic misery.
- The proposal is likely to slow down the process of vehicles entering and leaving the school.

Group Manager Planning Services Appraisal

23 The main considerations of this proposal are:

- The impact upon the character and appearance of the area
- Impact upon highway safety
- Impact upon residential amenity of neighbours
- Impact of the proposal on the character of the area and upon highway safety

The impact upon the character and appearance of the area

24 Policy EN1 states that development should ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. It also states that the proposed development should not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.

25 Also relevant is policy SP1 from the Sevenoaks Core Strategy which states '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'.

26 In terms of the impact of the development on the visual amenity of the street scene, the siting of the proposed access is over a shallow grass verge with an unattractive 1.5m close boarded fence.

27 One tree will have to be removed, however on balance; it is not considered that the removal of this one tree will detract from the open, verdant character of the road.

Highway safety

28 Turning to highway safety, the proposed access will be sited between the two existing accesses to the school, and will provide for teachers and staff only

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(access controlled by a barrier). This is intended to relieve existing pressure on the schools main entrance (southern) and will not serve extra traffic.

- 29 The KCC Highways Officer has concluded that the *new access proposed is in a more prominent position with better visibility than that currently used*, and that he has no objection to the proposal (subject to conditions/informatives regarding integration, gradient, and a 5m set back of the barrier from the highway).
- 30 As such therefore, it is not considered that the proposed development will have a detrimental impact upon highway safety or traffic conditions on the surrounding road network, and will comply with the above policies.

Impact on the amenity of adjacent properties

- 31 *Policy EN1 from the Sevenoaks District Local Plan states that the proposed development does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.*
- 32 The nearest residential properties are opposite along St Julians Way, separated by Brittain Lane and the highway of Julians Way, as well as the substantial tree screening along this side of Brittain Lane. It is not considered that the new access will have a detrimental increased impact in terms of noise upon these properties.

Other Issues

- 33 Four letters of objection were received, the relevant issues pertaining to which have been addressed above. As detailed in the comprehensive comments of the KCC Highways Officer, the proposal as submitted is acceptable, subject to details.

Conclusion

- 34 In conclusion, it is considered that the proposed new vehicle crossover to Brittain Lane complies with the provisions of Policy EN1 of the Sevenoaks District Plan and Policy SP1 from the Sevenoaks Core Strategy, will not have a detrimental impact upon the existing street scene and is not considered to have an unacceptable impact upon highway safety or traffic conditions.
- 35 The proposal therefore complies with the advice given in the Supplementary Planning Document 'Residential Extensions' and with Policies EN1 and H6B of the Local Plan and SP1 of the Core Strategy.

Background Papers

Site and Block Plans

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Contact Officer(s):

Ben Phillips Extension: 7387

Pav Ramewal
Chief Executive Designate

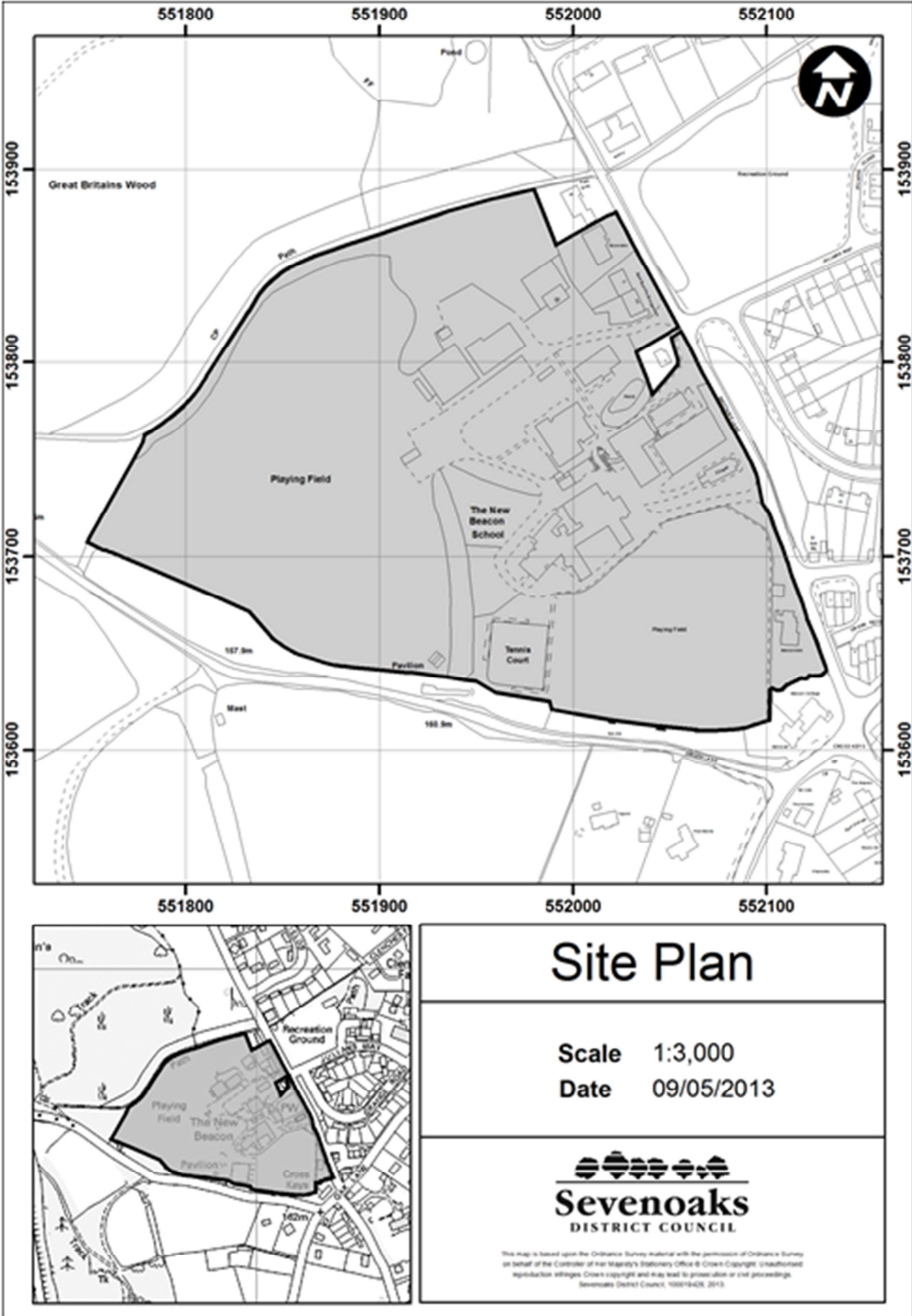
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MIEOXZBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MIEOXZBK8V000>

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Site Plan

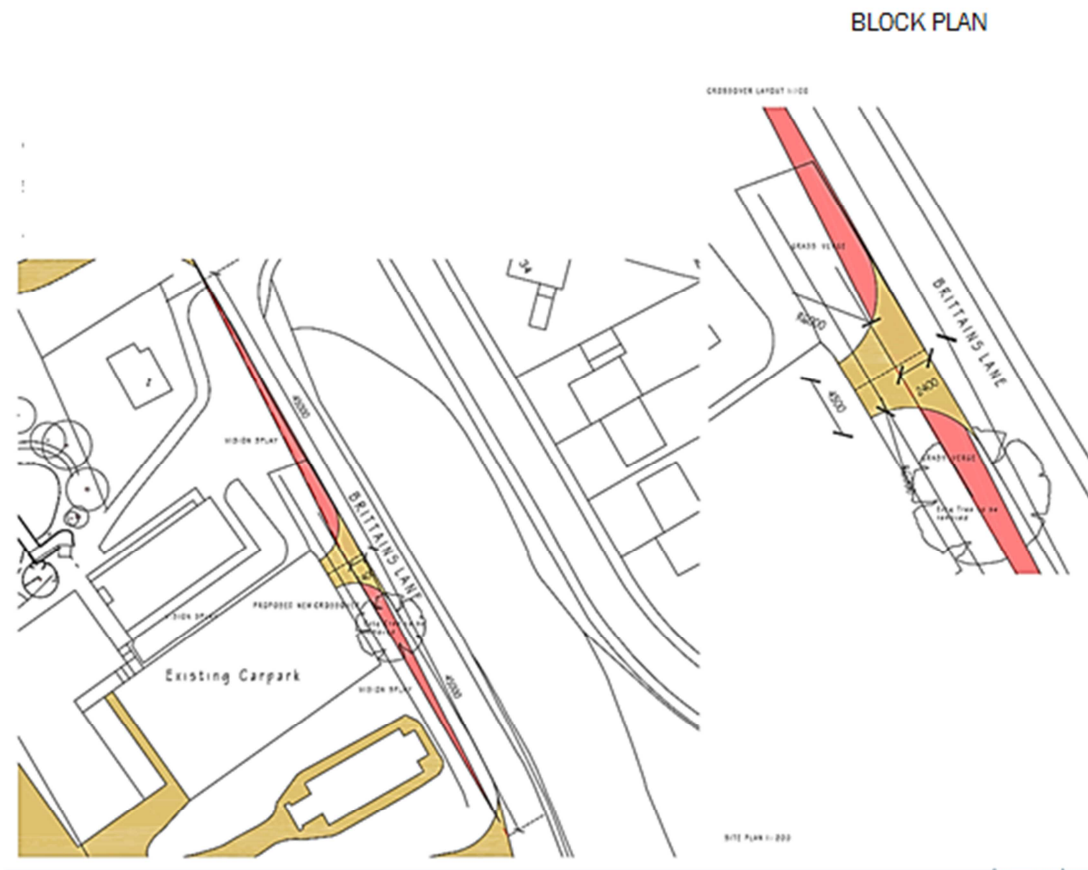
Scale 1:3,000
Date 09/05/2013



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Late Observations for New Beacon School, Brittain's Lane, Sevenoaks 23rd May 2013

Item 4.2 - SE/13/00481/FUL - New Beacon School, Brittain's Lane, Sevenoaks TN13 2PB

Further information

A report by SLR Consulting Ltd, consulting highways engineers has been submitted (copy attached as **Appendix 1**), which sets out their assessment of the highway considerations associated with the new access.

The report concludes that the additional access is designed in accordance with the relevant technical standards and will provide an improvement to the existing situation by helping to accommodate the high volume of traffic accessing the school site at peak times.

Officers Recommendation

These conclusions support the KCC Highways Officer's comments as addressed in the report, and the Officer's Recommendation remains unchanged.

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4.5 - SE/13/00360/HOUSE Date expired 4 April 2013

PROPOSAL: New fencing and CCTV camera installation (retrospective).

LOCATION: Moorcroft Place, Mapleton Road, Westerham TN16 1PS

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

The application was considered by the Development Control Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

This application has been called to Development Control Committee by Councillor Bracken on the grounds that the proposal would have a detrimental impact upon the Area of Outstanding Natural Beauty and privacy.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be carried out in accordance with the following approved plans drawing no. 100, 310 rev 05, 222 rev 01.

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

2) Within six weeks of the date of this permission details shall be submitted of signs to inform the public of the presence of cameras adjacent to the primary and secondary entrances and to the south west of the stables which shall be visible from the public right of way. These details will include:

- details of the location, height, size and wording of the signs;
- a map showing the location of the signs;
- and a programme of implementation. The works shall be carried out as approved.

To ensure the privacy of users of the public rights of way as supported by policy EN1 of the Sevenoaks District Local Plan.

3) The LED camera lights shall only be used when the security alarms are triggered or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy L08 of the Sevenoaks District Councils Core Strategy 2011.

4) Within three months of the date of this permission openings measuring 220 mm by 220 mm at ground level will be inserted at intervals of every 5m along the length of the fence to enable wildlife to pass through the fence line. These should be maintained for the duration of the fence hereby permitted.

To ensure that there is no detrimental impact upon wildlife as supported by Policy SP11 of the Sevenoaks District Council Core Strategy 2011.

5) Within six months of the date of this permission, as shown on drawing no 201 rev 05

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the mixed planting hedge shall be planted along the exterior of the fence and the Thuja Plicata screening shall be planted around the camera posts and be maintained thereafter.

To safeguard the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Council.

The development will not have a detrimental impact upon the ancient woodland.

The development will not have a detrimental impact upon the Area of Outstanding Natural Beauty.

The development will not have a detrimental impact upon the adjacent public rights of way.

The development will not have a detrimental impact upon the adjacent Site of Nature Conservation Interest.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP11, L08

The following is a summary of the main reasons for the decision:

The following very special circumstances exceptionally outweighs any harm by reason of inappropriateness and any harm to the Green Belt by reason of other factors:- the safety and security of users of the site;- that the development will not impact upon the openness of the Green Belt.

The development will not have a detrimental impact upon the Area of Archaeological Potential.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,

- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Further information

- 1 At the June 2013 Development Control Committee meeting Members deferred this item to enable further information to be obtained in respect to justification for the level of security, the camera splays and lighting. This information is summarised below and should be read in conjunction with the original report which is appended.
- 2 The applicants have submitted:
 - a statement relating to the CCTV cameras.
 - the very special circumstances in relation to security;
 - an illustrative plan showing the location of the eight cameras and their vision splays;
 - photographs showing the vision of seven of the eight cameras under consideration;
 - technical information on the cameras.
- 3 Two additional cameras marked as camera's 1 and 8a fixed to an outer wall adjacent to the main and secondary entrances are shown on the plan submitted with the supporting information along with a photograph from camera 1. These cameras are not part of this application.
- 4 In reviewing the photographs submitted the Main Gate (External View) relates to camera 1, whilst camera 1 looking along the roadside to camera 7 should read camera 2. No photograph has been submitted from camera 6.

Security

- 5 The applicants have made the following statement in respect to Very Special Circumstances:

"The occupants of the property are a family with two young children. The family do not wish to be identified but we can advise that their wider family is internationally recognised for its substantial business and property interests. This is the "unique" circumstance that apply to this application as given this high

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profile, the family attracts a good deal of media and public interest, the combination of which inherently draws substantial undesirable attention and a threat of intrusion and crime from the curious individual, up to professional organised bodies wishing to do harm or gain financially through kidnap or theft. These threats are very real and something the family have to live with every day due to their prominence. For example, our client has advised of recent incidents involving journalists lurking near the property, taking photographs and causing distress to the family. As this demonstrates, the risk to the family is beyond what would be considered normal. Such incidents are not influenced by local crime levels, as the family itself is particularly vulnerable to targeted crime.

- 6 Whilst the security measures are beyond what would be classed as normal, given the particular residents' unique circumstances they meet the local policy requirements as they are the best option to help mitigate the risk they face. Our client was keen to ensure that the development be designed sympathetically to the local environment in the manner that is unobtrusive to the general public, providing detection and response only once intrusion onto the property has taken place. These measures are in place not to intimidate and monitor the general public, but to reduce the risks to the family.
- 7 Here, as required by the local policy, the advantage to be weighed up to members is providing peace of mind and security to the young family occupying the property. We are of the view that the development complies with the principles of local policy GB1, the draft SPD and Part 9 of the NPPF as very special circumstances do exist of a high jeopardy for personal safety of a young family, and this outweighs any minimal harm caused by the development".

Cameras

- 8 The cameras can be rotated but are fixed static in the angles shown on the illustrative plan to provide the most effective protection from an intruder attempting to gain access to the house and surrounding buildings. The applicants state that their only intervention is to target those who may be inside the site or in the immediate vicinity of the entrance.

Lighting

- 9 The lights with a strength of 50 watts per lamp are motion sensitive, triggered by a human or large animal (deer, horse) crossing the perimeter and illuminating the area covered by the cameras. The operator can manually turn on all the lights in case of a security breach.

Conclusion

- 10 The information submitted also argues that the development should be regarded as engineering operations that can be regarded as appropriate because they do not affect the openness of the Green Belt. However, as set out in paragraphs 51 – 54 of the original report it is officers' view that the proposal is inappropriate development.

The additional information provided does not alter the assessments and conclusions set out in the original report. Accordingly, the recommendation is

that planning permission be granted subject to the conditions previously recommended.

Contact Officer(s): Guy Martin Extension: 7351

**Pav Ramewal -
Chief Executive Designate**

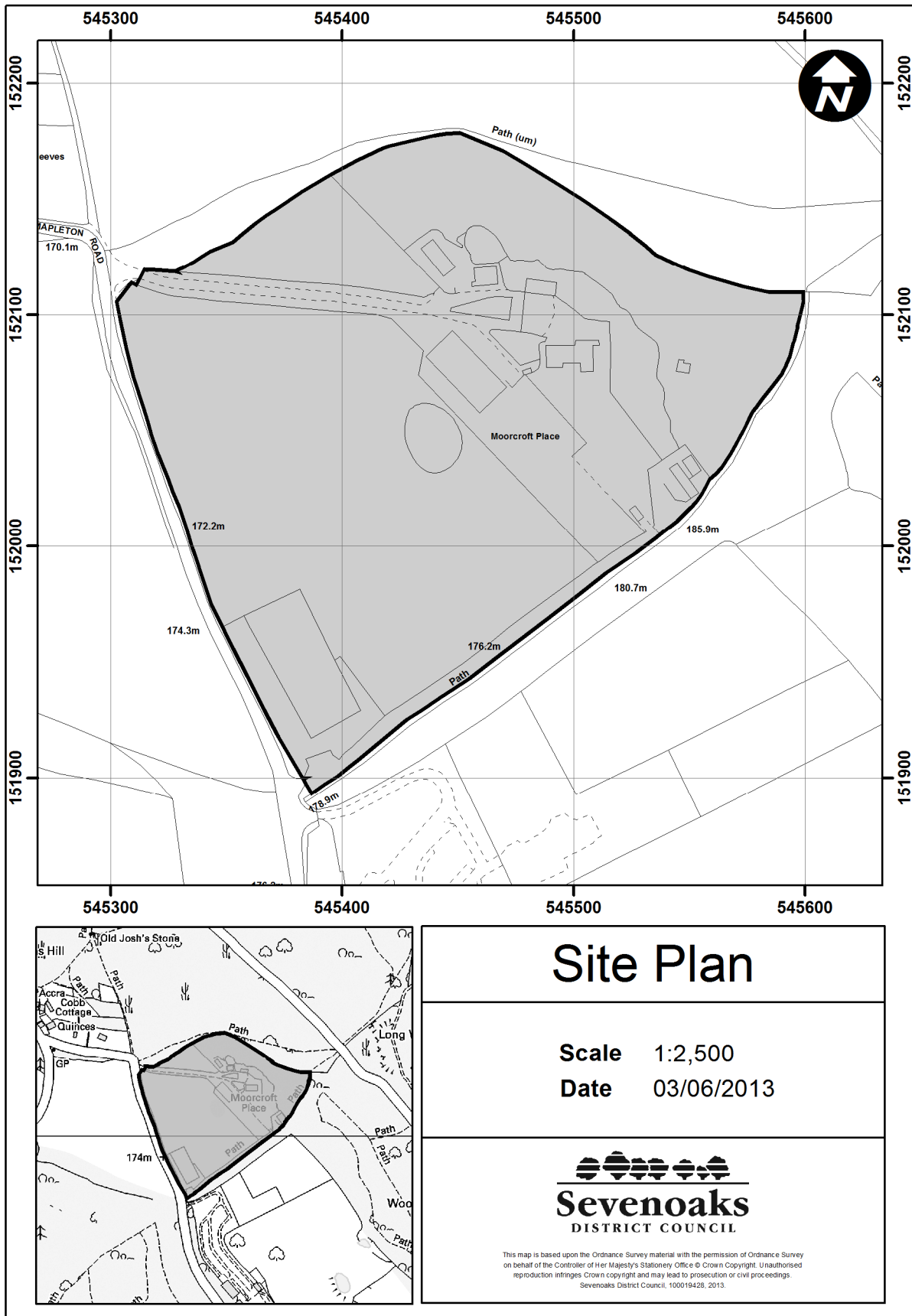
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<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHUBL5BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHUBL5BK8V000>

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4.1 SE/13/00360/HOUSE Date expired 4 April 2013

PROPOSAL: New fencing and CCTV camera installation (retrospective)

LOCATION: Moorcroft Place , Mapleton Road, Westerham TN16 1PS

WARD(S): Westerham & Crockham Hill

ITEM FOR DECISION

The application was considered by the Development Control Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

This application has been referred to Development Control Committee by Councillor Bracken on the grounds that the proposal would have a detrimental impact upon the Area of Outstanding Natural Beauty and privacy.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be carried out in accordance with the following approved plans drawing no. 100, 310 rev 05, 222 rev 01.

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

2) Within six weeks of the date of this permission details shall be submitted of signs to inform the public of the presence of cameras adjacent to the primary and secondary entrances and to the south west of the stables which shall be visible from the public right of way. These details will include:- details of the location, height, size and wording of the signs;- a map showing the location of the signs;- and a programme of implementation. The works shall be carried out as approved.

To ensure the privacy of users of the public rights of way as supported by policy EN1 of the Sevenoaks District Local Plan.

3) The LED camera lights shall only be used when the security alarms are triggered or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Councils Core Strategy 2011.

4) Within three months of the date of this permission openings measuring 220 mm by 220 mm at ground level will be inserted at intervals of every 5m along the length of the fence to enable wildlife to pass through the fence line. These should be maintained for the duration of the fence hereby permitted

To ensure that there is no detrimental impact upon wildlife as supported by Policy SP11 of the Sevenoaks District Council Core Strategy 2011.

5) Within six months of the date of this permission, as shown on drawing no 201 rev 05 the mixed planting hedge shall be planted along the exterior of the fence and the Thuja Plicata screening shall be planted around the camera posts and be maintained

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thereafter.

To safeguard the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy L08 of the Sevenoaks District Council.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1, SP11, L08

The following is a summary of the main reasons for the decision:

The development will not have a detrimental impact upon the ancient woodland.

The development will not have a detrimental impact upon the Area of Outstanding Natural Beauty.

The development will not have a detrimental impact upon the adjacent public rights of way.

The development will not have a detrimental impact upon the adjacent Site of Nature Conservation Interest.

The development will not have a detrimental impact upon the Area of Archaeological Potential.

The following very special circumstances exceptionally outweighs any harm by reason of inappropriateness and any harm to the Green Belt by reason of other factors:- the safety and security of users of the site;- that the development will not impact upon the openness of the Green Belt.

Description of Proposal

- 1 This application is for new fencing and CCTV camera installation (retrospective).
- 2 The fencing comprises of dark green powder coated weldmesh fencing and posts with the fencing rising to a height of approximately 2.2m high with small openings at ground level to enable wildlife to pass through at 5m intervals. The fencing intersects the existing boundary of the site on the north and southern boundaries extending across the rear of the site for a distance of approximately 290m. The applicant is proposing to plant a mixed native hedge on the outer side of the fence to screen the fence.
- 3 Eight CCTV cameras have been erected on posts between 3.5m and 7.5m in height of which four have been planted with Thuja Plicata screening, an evergreen tree which grows to a height of 20m plus.

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Description of Site

- 4 Moorcroft Place is a large detached property located within extensive grounds within a rural locality.

Constraints

- 5 Ancient Woodland (part of the site)
6 Area of Archaeological Potential
7 Area of Outstanding Natural Beauty
8 Adjacent Public Rights of Way
9 Adjacent Site of Nature Conservation Interest
10 Metropolitan Green Belt

Policies

Sevenoaks District Local Plan:

- 11 Policy - EN1

SDC Core Strategy

- 12 Policies - SP1, SP11 and LO8

Other

- 13 National Planning Policy Framework (NPPF)
14 Kent Downs Area of Outstanding Natural Landscape Design Handbook 2005
15 Sevenoaks Countryside Assessment Supplementary Planning Document 2011

Planning History

- 16 There is an extensive planning history but no planning history relevant to this proposal.

Consultations

English Heritage:

- 17 Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
18 It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

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Kent County Council (KCC) Public Rights of Way:

- 19 In this case two public rights of way, a bridleway SR375 running along the northern boundary of the site and a public footpath SR365 along the south-eastern boundary of the site may be affected by the use of four of the seven CCTV cameras. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 20 The use of CCTV cameras overlooking these rural routes would be an intrusion into walkers, riders and cyclists legitimate leisure pursuits where people would not expect to be under surveillance.
- 21 The Design and Access Statement declares, as detailed later in this Statement, the location and design of the security features for which retrospective planning permission is now sought, and their proposed landscaping, has been carefully conceived to minimise their visual impact. Indeed, quickly with the passage of time, they will become very well disguised within the immediate and wider landscape. This is a key requirement of the applicant who does not wish the security measures at Moorcroft Place to be any more evident than they absolutely need to be.
- 22 So walkers and riders will be even less aware that they are under surveillance. I would therefore like to ask that if planning permission for these cameras is granted that the applicant put up signs, in prominent positions that can be seen from the rights of way where they are overlooked by cameras, advising the public of the presence of CCTV cameras.
- 23 The granting of planning permission confers no other permission or consent on the applicant. This means that the Public Rights of Way must not be stopped up, diverted, obstructed 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.'

Kent County Council Ecology:

- 24 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 25 The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*"
- 26 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*
- 27 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by

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the Standing Advice, Local Planning Authorities must take into account the Standing Advice.

- 28 The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. No ecological information has been submitted with this application. However as a result of reviewing the data we have available to us (including aerial photos and biological records), and the information submitted with the planning application we are satisfied that proposed development has limited potential to result in ecological impacts.
- 29 The design and access statement details that the fence will have a number of small openings created to prevent the fence from becoming a barrier to wildlife. We welcome this proposal and must be implemented if planning permission is granted.'

Natural England:

- 30 Planning consultation: New fencing and CCTV camera installation (retrospective).
- 31 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 32 This application falls within the Kent Downs Area of Outstanding Natural Beauty (AONB). Natural England has no comments to make on this proposal as we do not believe that this development is likely to impact on the purposes of designation of The Kent Downs AONB. Given the location of the development, however, the local planning authority should seek the views of the Kent Downs AONB Unit where relevant, prior to determining this planning application, as they may have comments to make on the location, nature or design of this development.
- 33 The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.
- 34 We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

Protected species

- 35 If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

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- 36 Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

- 37 If the proposal site could result in an impact on a Local Site, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework. For further information on Local Sites, your authority should seek views from your ecologist, or the Local Sites designation body in your area.

Biodiversity enhancements

- 38 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 39 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.'

SDC Arboricultural Officer:

- 40 I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:
- 41 I can inform you that the proposed fencing and CCTV camera installation have been installed. Having walked the length of the security fence, several trees have been removed. There is also evidence of root severance and earth movements and excavation within the woodland area. I would expect these actions to result in the loss of additional neighbouring trees. These trees may form part of ancient woodland. Had this application been presented before these works had taken place, I would have requested a method statement from the developer as to how they were proposing to carry out these works without damaging the woodland.

SDC Conservation Officer:

- 42 Moorcroft Place is adjacent to the grade II* listed Historic Park and Garden of Chartwell, which is characterised by a number of different types of planned and ancient landscapes, some associated with the house. This proposal is to install

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2.2 metre high, green powder-coated fencing, and security cameras on posts of various heights, the tallest being in the southern corner, at 8m height. The proposal includes planting that will screen the posts, and the fencing will generally already be screened by woodland as well as by additional proposed planting, the types of which the Tree Officer will I'm sure be able to advise further on in terms of appropriateness. Given the topography and proximity of the various elements to the boundary of the historic park and garden, my view is that there will be no detrimental effect on the setting of the listed park and garden by the proposals. Conclusion: No objection.

Westerham Town Council:

- 43 WTC objects to this application having reconsidered and re-read the supporting documents, WTC noted that the gates were mentioned in the Design Statement although did not form part of this application.
- 44 To quote from the Sevenoaks Countryside Assessment of the LDF 2011 Landscape Description page 100, "The Westerham and Brasted Chart is an undulating woodland landscape and within this there are occasional irregular small scale fields enclosed by the woodland". One such meadow lies in front of the house. The Town Council is opposed to the introduction of any light pollution to this environment which is an Area of Outstanding Natural Beauty and should not be confused with more suburban areas. The CCTV cameras could also be intrusive to those using the adjacent footpath and bridleway. The fence constructed will obstruct wildlife, is over 2 metres, and is unsympathetic to its surroundings.
- 45 Councillors considered that all of these security measures are far from discreet and indeed are unacceptably intrusive and draw attention to this property in a way which has a negative impact on its surroundings.
- 46 In conclusion, WTC considers that the introduction of this scheme is insensitive and not in keeping with this nationally important "Historic Landscape" and should not be permitted.'

Representations

- 47 Three responses objecting stating that the proposal is urbanising and overbearing, that the development would be visible from the footpath providing surveillance of users and that it would detract from the landscape quality of the area.

Group Manager Planning Services Appraisal

Principal Issues

- 48 The principal issues are:
 - Impact upon the Metropolitan Green Belt;
 - Impact upon local amenity;
 - Impact upon the Area of Outstanding Natural Beauty and character and appearance of the area

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- Impact upon Listed Park and Garden;
- Impact upon the Area of Archaeological Potential;
- Impact upon the Site of Nature Conservation, woodland and biodiversity;
- Impact upon the Public Right of Way.

Impact upon the Metropolitan Green Belt

- 49 The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belts are their openness and their permanence. There is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt:
- 50 Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 51 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 52 The term 'building' includes any structure or erection and would therefore include fencing and cameras. However, such development does not fall within the list of

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exceptions as set out above and therefore when assessed against the wording of national policy the proposals would constitute inappropriate development that is, by definition, harmful to the Green Belt, in conflict with the NPPF.

- 53 However, looking at the proposal itself, the mesh fence would not act as a screen and would allow the woodland to be clearly visible through the fencing. In consequence it would not materially undermine the essential character of the Green Belt which the NPPF defines as its openness. The proposed cameras and their supporting columns would though limited in number would have a detrimental impact upon the openness of the Green Belt.
- 54 The consideration of a very special circumstance that may clearly outweigh the harm to the Green Belt in principle will be considered later in this report.

Impact upon amenity;

- 55 The NPPF states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 56 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 57 Two footpaths run to the north and south of the properties boundary however other than the two points that the fence intersects the existing boundaries of the site the new fence through being set back from the paths, being painted green and being set within existing woodland is not visible from these paths. Where the cameras are located in exposed positions the intention is to provide additional plantings to minimise their impact.
- 58 Of the eight cameras three would potentially provide views of public areas: the two adjacent the two accesses to the property to the west and the southernmost camera adjacent to the stables next to southern footpath. To ensure that the public are aware of the presence of these three cameras a condition could be imposed to ensure that notices are placed adjacent to the footpath and entrances to the property to inform the public of their presence. The cameras possess LED lights which would only be used when the security alarms are triggered. A condition limiting the use to such an occurrence or annual testing could be imposed upon these lights to minimise their impact. Accordingly the impact upon amenities is deemed acceptable and complies with policy EN1.

Impact upon the Area of Outstanding Natural Beauty and character and appearance of the area

- 59 Policy LO8 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. The Kent Downs AONB Unit Landscape Design Handbook states that 'intrusive fencing should be avoided.'

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- 60 'Where security fencing is required wooden fence posts and galvanised steel wire should be used. The fencing should be screened with thorny hedges of native plants. This will help reduce the visual impact of the fencing on the landscape and provide additional deterrent to intruders'.
- 61 The proposed green metal fence rises to a height of 2.2m and extends for a distance of approximately 280m within the rear of the site joining the existing fence at 90 degrees at two points. The fence for the majority of its length is set back at a distance of approximately 10m from the properties boundary within existing woodland. The land to one side of the fence has been cleared to obtain access to the site however it is intended to plant a native hedge on the outer side of the new fence which will further screen the fence. Other than the fence posts being metal as opposed to wood, the fencing would comply with the guidance of the Kent Downs AONB Landscape Design Handbook.
- 62 Eight CCTV cameras on posts rising between 3.5-7.5m are located predominantly on the edges of the site. Currently painted grey it is proposed to paint the poles black which when set against existing trees would minimise their impact. The CCTV posts that are located in exposed locations will be screened by 3 Thuja Plicata trees per post.
- 63 The eight cameras and posts are either located within existing woodland or would have additional plantings around them which over time would minimise their impact upon the wider landscape. Due to the limited size and scale of the cameras their impact would in my view be minimal. The cameras possess LED lights however as stated above their use could be limited through condition so minimising their impact upon the wider landscape.

Impact upon Listed Park and Garden

- 64 The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 65 Policy SP1 of the Sevenoaks District Councils Core Strategy states The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 66 The public footpath to the south of Moorcroft Place lies adjacent to the grade II* listed Historic Park and Gardens of Chartwell. Due to the fencing and cameras being screened by existing or proposed trees Sevenoaks District Councils Conservation Officers view was that the development would have 'no detrimental effect on the setting of the listed park and garden.' Accordingly the proposal in my view would not impact detrimentally upon the adjacent park and garden.

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Chartwell House is located approximately 0.4km to the south of the development at which distance it would not be impacted upon.

Impact upon the Area of Archaeological Potential

- 67 Policy SP1 states that the District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 68 The works which have already been carried out are limited in nature and accordingly their impact upon the Area of Archaeological Potential would have been minimal.

Impact upon the Site of Nature Conservation Interest, woodland and biodiversity

- 69 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity
- 70 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following *principles*:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - opportunities to incorporate biodiversity in and around developments should be encouraged;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 71 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Sites designated for biodiversity value will be protected with the highest level of protection given to nationally designated Sites of Special Scientific Interest. Designated sites will be managed with the primary objective of promoting biodiversity whilst also providing for appropriate levels of public access.
- 72 Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement and management of sites and through the

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maintenance and, where possible, enhancement of a green infrastructure network to improve connectivity between habitats.

- 73 Kent County Councils Ecology Unit were consulted on this application and 'were satisfied that the proposed development has limited potential to result in ecological impacts.'
- 74 Due to the works having already been carried out other than the planting of the hedge around the fence any damage to trees has already occurred as confirmed by Sevenoaks District Councils Arboricultural Officer. Informal discussions with the Arboricultural Officer has confirmed acceptability of the proposal to plant the proposed hedge with the species as shown on drawing no 201 revision 05.
- 75 Through incorporating small openings at ground level at 5m intervals along the fencing wildlife will be able to pass through the fence. This will minimise the future impact of the fence upon biodiversity. This action can be ensured through condition.

Impact upon the Public Right of Way

- 76 Public rights of way run to the north and south of the property. The proposed fencing and cameras are located within the boundaries of Moorcroft Place and they will not lead to any obstruction of the rights of way. The impact of the cameras upon users of the right of ways has been considered above.

Very Special Circumstances

- 77 The National Planning Policy Framework advises that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations
- 78 The National Planning Policy Framework states that amongst other things planning decisions should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Criteria 8 of policy EN1 of the Sevenoaks District Council Local Plan states that measures to deter crime should be applied in the consideration of planning applications in the design of new buildings and the layout of spaces.
- 79 The fence, cameras and posts would represent measures to combat crime. The proposed cameras and posts would be minimised through the proposed screening and with the mesh fence enabling views through the woodland the proposal would not materially undermine the essential character of the Green Belt which the NPPF defines as its openness.

Conclusion

- 80 The proposed development would represent inappropriate development within the Metropolitan Green Belt however through the cameras and fence representing measures to deter crime and the fence not materially undermining the openness of the Green Belt there are very special circumstances that clearly outweigh the harm to the Green Belt. The proposal would not have a detrimental impact upon local amenities, the character and appearance of the area, the Area of Archaeological Potential, the adjacent Site of Conservation Interest or the adjacent listed park and garden. As the works have already occurred any impact

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upon the Ancient Woodland would already have occurred. The presence of the cameras upon walkers of the adjacent footpaths and road can be made clear to walkers through the presence of signs imposed through a relevant condition, a condition can be imposed to minimise the impact of the LCD lights upon the Area of Outstanding Natural Beauty and a condition can be imposed to ensure regular openings within the fence to enable the movement of wildlife.

Contact Officer(s): Guy Martin Extension: 7351

Pav Ramewal
Chief Executive Designate

Link to application details:

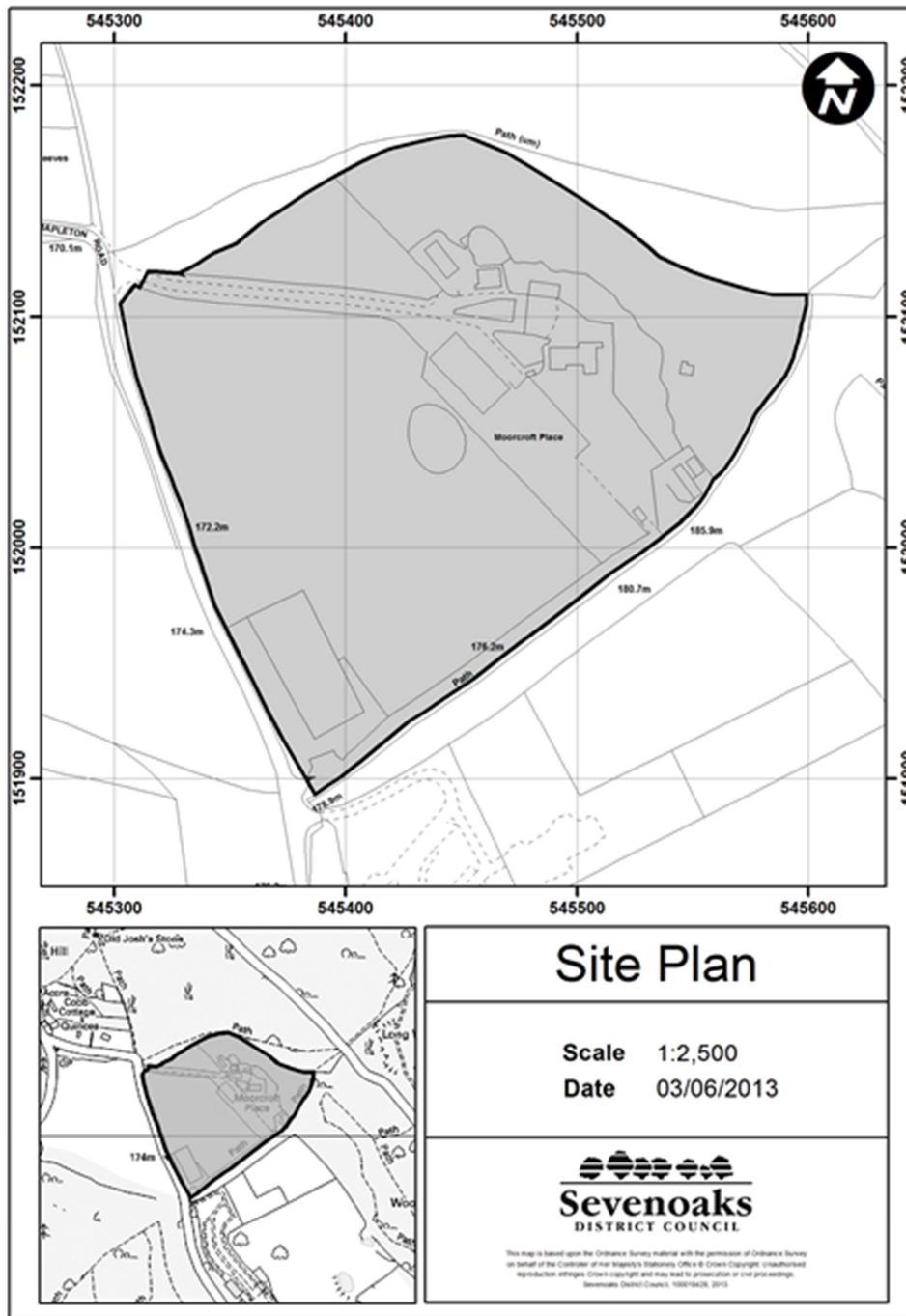
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHUBL5BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHUBL5BK8V000>

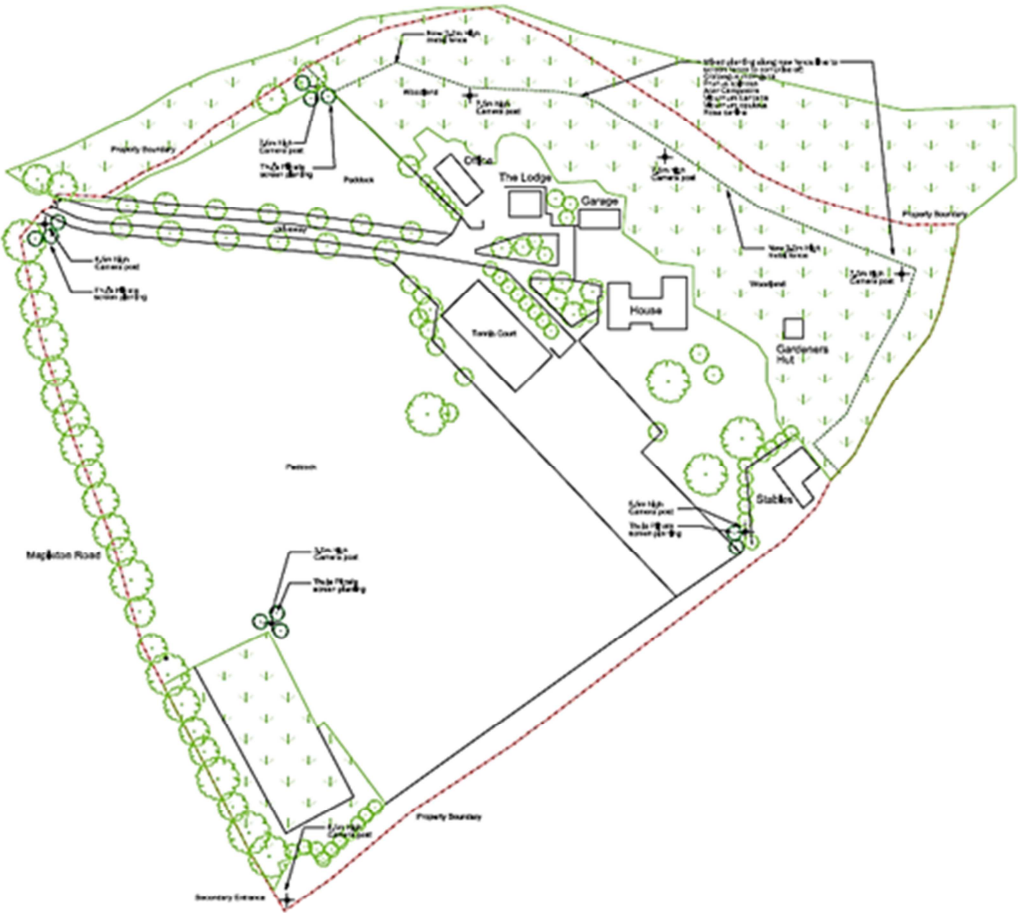
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BLOCK PLAN



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DEVELOPMENT CONTROL COMMITTEE

13 June 2013

LATE OBSERVATION SHEET

Item 4.1 SE/13/00360/HOUSE Moorcroft Place, Mapleton Road, Westerham TN16 1PS

Under, Item for Decision, the first paragraph stating,

'The Application was considered by the Development Control Committee....' should be deleted from the report.

The applicant's agent submitted the following information in respect to the security system and lights,

1. When the security is triggered between 2 posts, only the two nearest posts lights will come on.
2. The lighting is along the security boundary only, it is not 360. There are two per post one facing in each direction.
3. The operators can manually turn on all lights, this is in case of a security breach. But only all the lights if the operator manually selects this.
4. A security alert is a human or large animal (deer, horse) crossing the perimeter. A fox or any smaller animals will not cause an alarm. The system is not set up for size and weight but more the amount of vibration caused.

In respect to Condition 3) the wording is amended to,

The LED camera lights shall only be used when the security alarms are triggered (as set out within the applicants email dated 12th June 2013) or for annual maintenance testing.

To protect the visual appearance of the Area of Outstanding Natural Beauty as supported by Policy LO8 of the Sevenoaks District Councils Core Strategy 2011.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 13 June 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Brookbank, Brown, Clark, Mrs. Davison, Dickins, Gaywood, McGarvey, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Mrs. Ayres, Cooke, Orridge and Walshe

Cllrs. Mrs. Bracken and London were also present.

10. Minutes

It was accepted that apologies from Cllr. Mrs. Ayres would be added to the minutes. Under minute item 5 the name of the public speaker was corrected to Robert Wickham.

Resolved: That the minutes of the meeting of the Development Control Committee held on 23 May 2013, as amended, be approved and signed by the Chairman as a correct record.

11. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

12. Declarations of Lobbying

Cllr. McGarvey declared that he had been lobbied in respect of item 4.2 SE/13/00135/FUL - Land to the rear of Alandene, Till Avenue, Farningham DA4 0BH.

The Committee declared that they had been lobbied in respect of item 4.4 SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE, which had previously been considered by the Committee.

Reserved Planning Applications

The Committee considered the following planning applications:

13. SE/13/00360/HOUSE - Moorcroft Place, Mapleton Road, Westerham TN16 1PS

The report concerned a retrospective application for permission to erect a 2.2m high metal fence, running 290m across site, and 8 CCTV cameras on posts ranging between 3.5m and 7.5m in height. There were small openings at ground level to enable wildlife to pass through at 5m intervals. The applicant proposed to plant a mixed native hedge on the outer side of the fence to screen it. The 4 CCTV cameras not in ancient woodland would be planted with western redcedar.

Agenda Item 4.5

Development Control Committee - 13 June 2013

The site was situated in an area of archaeological potential, an Area of Outstanding Natural Beauty and the Metropolitan Green Belt. Part of the site was ancient woodland. It was adjacent to a Site of Nature Conservation Interest and 2 public rights of way.

Officers considered that the proposed development represented inappropriate development within the Green Belt however the fence did not materially undermine the openness of the Green Belt and the security measures represented very special circumstances that clearly outweighed the harm to the Green Belt.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	Cllr. Le Breton
Local Member:	Cllr. <u>Mrs. Bracken</u>

In response to a question Officers confirmed the site extended 600m by 520m. The only point at which the metal fence was clearly visible from the footpath was at the southern intersect with the close boarded fence. It was possible that those using the footpath to the south of the site could be monitored by CCTV. Officers had not been supplied information on the specification of the CCTV, for example on whether it was static or where it pointed, but he confirmed the CCTV would be used once the alarm was triggered.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

It was suggested that the case for very special circumstances had not been made out. It was a low crime area, Chartwell next door had not been targeted and there was no greater reason to fear crime on that site than many other sites within the district. Such development was inappropriate in the Green Belt and it was not in the right setting.

It was noted there was some further explanation about the justification of very special circumstances in the Design and Access Statement, though much was confidential.

It was moved and duly seconded that the report be deferred to a future meeting so that the Officers may consider the Design and Access Statement further and provide Members with greater information from the applicant regarding the very special circumstances as to why the development should be allowed in the Green Belt in this case.

The motion was put to the vote and there voted –

8 votes in favour of the motion

4 votes against the motion

Resolved: That the report be deferred to a future meeting so that the Officers may consider the Design and Access Statement further and also provide Members with

Development Control Committee - 13 June 2013

greater information from the applicant regarding the very special circumstances as to why the development should be allowed in the Green Belt in this case. .

The meeting clarified that Officers should also seek further information on the CCTV cameras including the splay across public rights of way. A Member also requested more information on the security lights.

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Planning Application Information on Public Access – for applications coming to DC
Committee on Thursday 8 August 2013

**Item 4.1 – SE/13/00134/FUL Land at Station Road & Fircroft Way, Edenbridge TN8
6HQ**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGTACABK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGTACABK8V000>

**Item 4.2 – SE/13/00935/FUL Land North West of Junction with St Johns Way, Station
Raod, Edenbridge TN8 6EB**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MKB7PBBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MKB7PBBK8V000>

Item 4.3 – SE/13/00820/FUL Bamptons, 2 Crownfields, Sevenoaks TN13 1EE

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MJU044BK0L000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MJU044BK0L000>

**Item 4.4 – SE/13/00481/FUL New Beacon School, Brittain's Lane, Sevenoaks TN13
2PB**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MIEOXZBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MIEOXZBK8V000>

Supplementary Information

Item 4.5- SE/13/00360/HOUSE Moorcroft Place, Mapleton Road, Westerham TN16 1PS

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MHUBL5BK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MHUBL5BK8V000>