



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
20 October 2022 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

Thursday 20 October 2022

LATE OBSERVATION SHEET

4.1 22/01961/FUL - Land East Of Westfield Cottages, Fawkham Road, West Kingsdown, Kent, TN15 6AY

Minor amendments have been made to the recommended conditions, to reflect the timing of any works to take place on the site and for clarification. A full list of the conditions recommended is attached.

Additional consultee response.

Further correspondence has been received from National Highways, dated 12 October 22.

This correspondence (available on Public Access) reiterates the issues raised at paras 108 to 116 of the main report, with a couple of minor changes.

There have been amendments to conditions for some of the issues raised. Condition 7 requesting details of the Construction Management Plan has been amended to include details of how any cranes will be controlled to ensure there is no overhanging of the M20. There is a request to be consulted on this condition and condition 18, which relates to further details on the proposed travel plan, which have been noted.

National Highways recommend that planning permission is not granted for a period of 56 days, up to 7 December 2022.

The information requested in their first response, as set out in the main report, and reiterated in their latest letter, was forwarded to them in September 2022.

When highlighting possible concerns about the impact on the junction of the M20 and M25, National Highways refer to the issues set out in the main report, that they may have concerns if there is an increase in traffic at this junction which could have a severe impact. They advise that they would seek mitigation measures for any severe / significant impacts generated, taking into consideration any improvement schemes identified as part of the emerging Local Plan.

As Members will be aware, there is no longer an 'emerging Local Plan' in place and the current work on the local plan is not yet advanced enough to be 'emerging'.

Mitigation measures are proposed for this junction, which are the proposal for the shuttle bus (secured via a S106 Agreement as per the recommendation) and for a travel plan, as set out in condition 18.

Supplementary Information

Para 111 of the NPPF states that:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

National Highways have had the opportunity to review the information provided, and comment on it. The first round of consultation began on 27 July 2022. The final expiry date for the latest consultations was 3 October 2022. Neither the first or the latest correspondence raises any objection nor is there a recommendation for refusal.

There is a formal notice attached to their comments which advises that should the LPA not propose to determine the application in accordance with the recommendation (in this case if it is not proposed to delay the decision until after 7 December) the LPA are required to not determine the application until they have referred the application to the Secretary of State for Transport.

Recommendation:

Subject to the amended conditions, that planning permission be granted subject to referral to the Secretary of States for Housing, Communities and Local Government and for Transport and the completion of the S106 Agreement.

The amended recommendation and conditions are set out in full below, with Recommendation B, should the S106 Agreement not be completed.

RECOMMENDATION A: That planning permission be GRANTED subject to:

- a) Refer the application to the Secretary of State for Housing, Communities and Local Government, as major development in the Green Belt, to decide whether to call the application in, and
- b) Refer the application to the Secretary of State for Transport, in accordance with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, and
- c) The conditions set out below, subject to any minor changes to wording being agreed by the Chief Officer for Planning and Regulatory Services, and
- d) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 31 January 2023, unless in accordance with a new timescale agreed in writing by the Chief Officer for Planning and Regulatory Services.

Section 106 Agreement

The Section 106 Agreement shall include the following requirements:

- Community Benefit Plan for the District and West Kingsdown in particular, to support the objectives of the Council’s Community Plan
- Community Liaison Officer

- An Economic Development Strategy to maximise opportunities for residents of Sevenoaks District for employment, skills, training, and volunteering and support the objectives of the Sevenoaks Economic Development Strategy
- Funds to improve the Public Right of Way to Hever Road, West Kingsdown
- Travel Plan Monitoring
- Shuttle bus - as part of an overall travel plan.

Planning conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Drawings	Documents
AFL-Z2-00-DR-A-20100 P01	Design & Access Statement (all parts) (July 2022)
AFL-Z2-01-DR-A-20101 P01	Air Quality Assessment (July 2022)
AFL-Z2-XX-DR-A-20201 P01	Arboricultural Impact Assessment (July 2022)
AFL-Z2-XX-DR-A-20202 P01	Archaeological Desk Based Assessment (July 2022)
AFL-Z2-RF-DR-A-20103 P2	Phase 1 Preliminary Contamination Assessment (all parts) (July 2022)
AFL-Z3-XX-DR-A-20100 P01	Ecological Appraisal (July 2022)
AFL-Z4-00-DR-A-20100 P01	Energy and Sustainability Statement (July 2022)
AFL-ZZ-ZZ-DR-A-00910 P01	Heritage Impact Assessment (July 2022)
EDL-ZZ-XX-DR-L-0100 P1	Interim Travel Plan (July 2022)
AFL-ZZ-ZZ-DR-90300 P2	Landscape Design and Access Statement (all parts) (July 2022)
AFL-Z1-00-DR-A-20100 P3	Planning Statement (all parts) (July 2022)
AFL-Z1-01-DR-A-20101 P3	Statement of community involvement (July 2022)
AFL-Z2-XX-DR-A-20201P3	Transport Assessment (all parts) (July 2022)
AFL-ZZ-ZZ-DR-A-20911 P01	Flood Risk Assessment and Sustainable Drainage Strategy (August 2022)
AFL-Z4-XX-DR-A-20201 P01	Noise Impact Assessment (August 2022)
	Landscape and Visual Impact Assessment (July 2022)

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

3. For the purposes of this planning permission, any reference to 'site preparation works' in conditions 9, 10, 11 and 13 relates to the following works only:
 - i. Site surveys;
 - ii. Site clearance;
 - iii. Works of archaeological and/or ground investigation;
 - iv. The erection of fencing and/or hoardings associated with the construction of the development.
 - v. The provision of security measures and lighting associated with the construction of the development.
 - vi. The erection of temporary buildings or structures associated with the construction of the development.
4. Prior to commencement of works (including site clearance), a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the recommendations and proposals within the Landscape Design Statement (EDLA, July 2022), Landscape Masterplan (EDLA, June 2022), Ecological Appraisal report para. 6.2.3-13 (Aspect Ecology, July 2022) and the Biodiversity Net Gain report (Aspect Ecology, July 2022) and include the following:
 - Description and evaluation of features to be managed;
 - Constraints on site that might influence management;
 - Aims and objectives of management;
 - Appropriate management prescriptions for achieving aims and objectives;
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan, and;
 - Ongoing monitoring and remedial measures (with reference to Biodiversity Net Gain targets).

The approved plan will be implemented in accordance with the approved details.

Reason: To preserve and enhance ecology and biodiversity in accordance with policy SP11 of the Sevenoaks Core Strategy.

5. Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will be based on the recommendations in section 6.1 of the Ecological Appraisal report (Aspect Ecology, July 2022) and include the following:
 - Risk assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones';

- Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
- Use of protective fences, exclusion barriers and warning signs. The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details. Landscape and ecological management plan (including a proposed buffer planting)

The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate protection and mitigation for biodiversity during the construction process, to comply with policy SP11 of the Core Strategy and the NPPF

6. Prior to the commencement of any works (including site clearance), a mitigation strategy for hazel dormice will be submitted to, and approved by, the local planning authority. This will be informed by the completed surveys for hazel dormice. The approved strategy will be implemented thereafter.

Reason: To ensure the development does not result in any harm to protected species and to accord with policy SP11 of the Sevenoaks Core Strategy.

7. Prior to commencement of works a Construction Management Plan shall be submitted to the Local Planning Authority, it will include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Provision of measures to prevent the discharge of surface water onto the highway
 - (g) Control of cranes to avoid over sailing the M20.The development shall be carried out in accordance with the approved details.

Reason: To ensure the construction of the development preserves highway safety for all users in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

8. Prior to commencement of development the application, or their agents or successors in title will secure the implementation of

Supplementary Information

- i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority and
- ii) Following on from the evaluation any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording with a specification and timetable which has been submitted to and approved by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains. And to accord with policy EN4 of the Sevenoaks Allocations and Development Management Plan.

9. Prior to the commencement, except for site preparation works listed in condition 3, a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Sustainable Drainage Strategy dated 5th July 2022 prepared by Herrington Consulting Limited and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
 - i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - ii) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

10. Prior to the commencement, except for site preparation works listed in condition 3, details of the proposed materials for the access, pathways, car park and other areas of hardstanding shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed hard landscaping is suitable to the rural context and to accord with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11. Prior to the commencement, except for site preparation works listed in condition 3, full details of the soft landscape proposals, including size, species, a programme of implementation and a schedule of landscape maintenance for a minimum period of 10 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved unless otherwise agreed in the programme of implementation and thereafter retained in accordance with the approved details.

Reason: To preserve the character of the countryside and to accord with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12. Prior to commencement, a scheme for securing the site during construction shall be submitted for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure the site is secure and safe, and to avoid trespassing by unwarranted persons. In accordance with Crime Prevention regulations and policy EN1 of the Allocations and Development Management Plan.

13. Prior to the commencement, except for site preparation works listed in condition 3, details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the character of the area and the amenities of the occupiers of neighbouring properties in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority (LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: to ensure that the development does not contribute to or is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the

development site in line with paragraph 174 of the National Planning Policy Framework (NPPF).

15. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. The development shall be carried out in accordance with the approved details.

Reason: to ensure that the development does not contribute to or is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

16. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

Reason: To ensure the development is free from contamination in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

17. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any details to be submitted shall also follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. The development

shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To ensure the use of the site does not result in harm to ecology and protected species or residential amenity in accordance with policy SP11 of the Sevenoaks Core Strategy and policies EN1 and EN2 of the Allocations and Development Management Plan.

18. The development shall not be brought into use until a detailed Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The detailed Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of highway safety as supported by Policies EN1 and T2 of the Allocations and Development Management Plan.

19. The parking spaces shown on the approved plans shall be provided and retained prior to the first occupation.

Reason: To ensure the development has sufficient off road parking provisions in accordance with policy T2 of the Sevenoaks Allocations and Development Management Plan.

20. The Electric Vehicle Charging Infrastructure shall be provided prior to the use of the site commencing. All Electric Vehicle chargers provided in developments must be provided to Mode 3 standard (providing up to 7kw or 50kw for rapid charge).

Reason: To accord with policy T3 of the Sevenoaks Allocations and Development Management Plan.

21. The following works between development and the adopted highway shall be completed prior to occupation:

- (a) footways and/or footpaths, with the exception of the wearing course
- (b) carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety as supported by Policies EN1 and T2 of the Allocations and Development Management Plan.

22. Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of archaeological post excavation and publication work in accordance with a written

specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with NPPF

23. No development shall be occupied until confirmation has been provided that either:

- i. Foul water Capacity exists off site to serve the development, or
- ii. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
- iii. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

24. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved under condition 8. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

25. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

26. Prior to first occupation details of refuse storage and collection shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: To accord with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

27. The hedgerows on the periphery of the site as shown on drawing EDL-ZZ-XX-DR-L-0100 P1 shall be retained unless otherwise agreed in writing by the Local Planning Authority in accordance with the approved landscaping scheme pursuant to condition 10 of this permission.

Reason: To preserve the character of the area and to preserve neighbour amenity in accordance with policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

28. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the use of the site and buildings shall be incidental to the use of the site as a football training ground and academy and for no other purpose or use including uses in Class E, F1 or F2 of the (Use Classes) Order 1987 (as amended)

Reason: To preserve the amenity of neighbouring residents and highway safety in accordance with policies EN1, EN2 and T2 of the Sevenoaks Allocations and Development Management Plan.

Informatives:

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted.
2. The CLAIRE definition of Waste- Development Industry Code of Practice (Version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.
3. It is recommended the applicant contact Thames Water Developer Services and request a capacity check.
4. Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

RECOMMENDATION B: If the S106 legal agreement is not signed in accordance with the above recommendation, then planning permission be REFUSED on the following grounds:

Supplementary Information

The proposed buildings would be inappropriate development in the Green Belt, harmful to its openness and the character of the area, due to the proposed size, scale, and bulk. Inappropriate development is, by definition, harmful to the maintenance of the Green Belt. A S106 Agreement has not been agreed to secure the benefits of the scheme and therefore there are no very special circumstances that clearly outweigh the harm identified. As such the proposals are contrary to the National Planning Policy Framework