

14 December 2017 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 06.12.17



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Thornton
Cllrs. Ball, Barnes, Bosley, Brown, Clark, Coleman, Edwards-Winsor, Gaywood,
Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Reay and Raikes

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages
Apologies for Absence	
1. Minutes To approve the minutes of the meeting of the Committee held on 16 November 2017, as a correct record.	(Pages 1 - 6)
2. Declarations of Interest or Predetermination Including any interests not already registered.	
3. Declarations of Lobbying	
4. Planning Applications - Chief Planning Officer's Report	
4.1 17/01690/FUL - Abbeyfield, Stangrove Lodge, Manor House Gardens Edenbridge, Kent TN8 5EG Demolition of existing vacant care home and redevelopment to provide a new care home (Use Class C2) with a total of 85 rooms; integrated communal and support facilities, landscaped residents gardens, staff areas, refuse storage, parking and associated infrastructure and services.	(Pages 7 - 26)
4.2 17/02363/FUL - Warren Court Farm, Knockholt Road, Halstead, Kent TN14 7ER Demolition of the existing buildings and hardstanding on-site and the erection of 29 No. dwellings comprising 6 No. two-bedroom, 15 No. three-bedroom, 6 No. four-bedroom, and 2 No. five-bedroom houses, hard and soft landscaping.	(Pages 27 - 60)

- 4.3 **17/03105/CONVAR - Sevenoaks Rugby Football Club, Plymouth Drive, Sevenoaks, Kent TN13 3RP** (Pages 61 - 70)

Variation of condition 3 of 14/02458/FUL for levelling and extension of the existing reinforced grass track to provide overspill car parking; with amendment to allow use of the overspill car parking to accommodate displaced season ticket holders during the development of the multi storey car park, between 1st January 2018 and 30th June 2019, Monday to Friday 6am to 6.30pm.

- 4.4 **17/01628/FUL - 11 - 13 High Street, Swanley, Kent BR8 8AE** (Pages 71 - 94)

Proposed demolition of existing building. Erection of new three storey building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space. Provision of rear undercroft car/cycle and motorcycle parking.

EXEMPT INFORMATION

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.

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 227000 by 5pm on Monday, 11 December 2017.

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.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 16 November 2017 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Barnes, Brown, Clark, Edwards-Winsor, Gaywood, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin and Purves

Apologies for absence were received from Cllrs. Bosley, Raikes and Reay

Cllrs. C. Barnes, Mrs. Morris, Piper and Searles were also present.

49. Minutes

Resolved: That the minutes of the Development Control Committee held on 19 October 2017 be approved and signed by the Chairman as a correct record.

50. Declarations of Interest or Predetermination

Councillor Purves declared that it had been suggested to her that she had predetermined Minute 54 - 17/00330/FUL - Summerhill, Seal Hollow Road, Sevenoaks TN13 3SH, therefore she would speak as the local ward councillor only and leave the room before the debate.

51. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 53 - 17/02279/FUL - Swanley Centre, London Road, Swanley KENT BR8 7TG.
Unreserved Planning Applications

There were no public speakers against the following item and no Member reserved the item for debate. Therefore, in accordance with Part 7.3(e) of the constitution, the following matter was considered without debate:

51.1 17/02701/FUL - Suffolk House, 154 High Street, Sevenoaks Kent TN13 1XE

The proposal sought permission for installation of a new car park lighting scheme. The application had been referred to the Committee as the applicant was Sevenoaks District Council.

Members' attention was brought to the main agenda papers and the amendments in the late observation sheet.

Agenda Item 1

Development Control Committee - 16 November 2017

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) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan with red outline date stamped 23rd August 2017, drawing no. 1597-S-63-LAY-02 REV. 04, drawing no. 1597-S-63-LAY-05 REV. 02, Elevations - As Proposed drawing no. JHP-SHS-002, Car park elevations As Proposed drawing no. JHP-SHS-004 Revision A.

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

- 3) Lights hereby approved shall be installed in accordance with the details in the Lighting Report

To maintain the integrity and character of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) The intensity of the illumination shall not exceed 800 candelas /m² and shall be static

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) The building and car park shall not be illuminated outside the hours of 07:00 to 22:00.

To safeguard the residential amenity of the locality.

- 6) Prior to the commencement of development details of lighting poles shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details and thereafter maintained as such.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

52. 17/02993/ADV - Suffolk House, 154 High Street, Sevenoaks TN13 1XE

The proposal sought permission for installation of 2 x wall hung fascia signs. The application had been referred to the Committee as the applicant was Sevenoaks District Council.

Members' attention was brought to the main agenda papers.

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) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan with red outline date stamped 23rd August 2017, drawing no. 1597-S-63-LAY-02 REV. 04, drawing no. 1597-S-63-LAY-05 REV. 02, Elevations - As Proposed drawing no. JHP-SHS-002, Car park elevations As Proposed drawing no. JHP-SHS-004

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Agenda Item 1

Development Control Committee - 16 November 2017

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

Reserved Planning Applications

The Committee considered the following planning applications:

53. 17/02279/FUL - Swanley Centre, London Road, Swanley KENT BR8 7TG

The proposal sought planning permission for a hybrid for the phased redevelopment of part of the Swanley Square Shopping Centre and land to the rear, comprising a detailed application for Blocks 1, 2 and 4 and an outline only application (with details relating to appearance and landscaping reserved) for Blocks 3, 5, 6 and 7. Blocks 1, 2 and 4 comprised the erection of three buildings ranging between 3 and 11 storeys in height comprising 210 residential units (build to rent and market), 1,457sqm of retail/commercial floorspace (Use Class A1-A5, B1), a multi storey car park and associated public realm surface level parking, landscaping and access works. Blocks 3, 5, 6 and 7 involved the demolition of existing buildings/structures and outline parameters for four new buildings which would comprise up to 93 residential units (market) and up to 2,861 sqm of commercial floorspace (use classes A1-A5, B1) up to 958 sqm of community floorspace; and associated public realm surface level car parking, landscaping and access works.

The application had been referred to Development Control Committee at the discretion of the Chief Planning Officer, as the development was of a significant nature. Members' attention was brought to the main agenda papers and amendments in the late observation sheet.

The Committee was addressed by the following speakers:

Against the Application:	Judith Brickell
For the Application:	Marcello Burbante (Agent)
Parish Representative:	Paul Darrington (Town Councillor)
Local Member:	Cllr. Dyball

Members had questions of clarification for the speakers and the officers. It was clarified that preventative fire measures were not a material planning consideration but were regulated by Building Control. Queries were made to do with the parking provision and how it would operate and whether there was enough especially if supermarket car parks currently used were no longer free; the proposed transport scheme/ bus service; the need for the height. It was stated that a viability assessment had been submitted and that it clearly demonstrated the need for the amount of residential units to make the project viable. It was clarified that the Council's Housing Policy Team would be involved in discussions around the provision of accommodation to those with local connections. Officers

clarified the calculations used to work out parking provision. There was no data on where people came from to access the market.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

Members debated the item in full and discussed the need to regenerate Swanley town centre. The need for denser residential units was acknowledged especially with regards to protecting the greenbelt, however there was concern as to the size bulk and height of this particular application. There was concern that the height would be out of place and character of the area. There was also concern expressed with regard to parking provision; traffic and air quality; infrastructure; and loss of light to neighbouring units.

The motion was put to the vote and it was lost.

Councillor Thornton proposed and Councillor Horwood seconded that the application be refused on the grounds of EN1, EN2, H2c, SP1, SP3, LO5, T1 and T2. This was put to the vote and it was

Resolved: That the Chief Planning Officer be delegated authority to draft the formal wording and planning permission be refused on the grounds of -

1. Harm to the visual amenity of the local area, townscape and wider landscape. Out of character, excessive height, bulk and scale - Policies EN1 and H2c of the ADMP. SP1 and LO5 of the Core Strategy
2. Loss of light and harm to residential amenity of Berkeley Court and Nightingale House residents. Policy EN2 of the ADMP
3. Insufficient parking provision to meet the needs the residential and commercial scheme. Mitigation measures are insufficient to address to the identified traffic harm. Policies EN1, T1 & T2 of the ADMP
4. Lack of any affordable housing and concern over the viability of the development. Policy SP3 of the Core Strategy.

At 9.28 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.35 p.m.

54. 17/00330/FUL - Summerhill, Seal Hollow Road, Sevenoaks TN13 3SH

The proposal sought planning permission for the demolition of existing dwelling and construction of a replacement dwelling. The application had been referred to Development Control Committee by Councillor Purves on the grounds that the proposed house was substantial and results in an over-development of the plot, had a harmful effect on neighbouring amenity and may cause damage to the oak tree in the neighbouring property.

Agenda Item 1

Development Control Committee - 16 November 2017

Members' attention was brought to the main agenda papers and amendments in the late observation sheet.

The Committee was addressed by the following speakers:

Against the Application: Lorna Kelly
For the Application: Jacqui Andrews (Agent)
Parish Representative: Edward Waite (Town Councillor)
Local Member: Cllr. Purves

Members asked questions of clarification from the speakers and officers.

(Cllr. Purves left the room)

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

Members debated the item in full and particularly discussed the extra bulk and scale.

The motion was put to the vote and it was lost.

Councillor Horwood moved that planning permission be refused on the grounds of EN1, EN2 and SP1. This was put to the vote and it was

Resolved: That planning permission be refused on the following grounds -

1. The excessive bulk, mass and scale of the proposed dwelling would harm the character and appearance of the local area, due to the building being incompatible with the existing properties in the local area. This conflicts with policy SP1 of the Sevenoaks Core Strategy, policy EN1 of the Sevenoaks Allocations and Development Management Plan and the Sevenoaks Residential Character Area Assessment Supplementary Planning Document.
2. The excessive bulk, height, mass and scale of the proposed dwelling would harm the residential amenities of the occupiers of Dawning House and Levenhurst, to the east of the site. This is due to the overbearing effect the building would on the neighbouring properties due to the difference in ground levels and the proximity to the boundary. This conflicts with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

THE MEETING WAS CONCLUDED AT 10.19 PM

CHAIRMAN

4.1 - 17/01690/FUL

Revised expiry date 18 December 2017

Proposal: Demolition of existing vacant care home and redevelopment to provide a new care home (Use Class C2) with a total of 85 rooms; integrated communal and support facilities, landscaped residents gardens, staff areas, refuse storage, parking and associated infrastructure and services.

Location: Abbeyfield, Stangrove Lodge, Manor House Gardens
Edenbridge, Kent TN8 5EG

Ward(s): Edenbridge South & West

ITEM FOR DECISION

The application has been referred to Development Control Committee as Councillor Layland has concerns over the potential impact that the development will have on pedestrian and highway safety along Mont St Aignan Way.

RECOMMENDATION: That planning permission be GRANTED subject to the applicant entering into a Section 106 obligation covering a highway contribution and 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 building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development is in harmony with the existing character of the EN1 as supported by Policy EN1 of the Sevenoaks Allocations and Development Management 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 local planning authority. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting),-written specifications (including cultivation and other operations associated with plant and grass establishment),-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be

Agenda Item 4.1

granted.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

4) 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 EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Details of any outside lighting shall be submitted to and approved in writing by the local planning authority before occupation. Despite any development order, outside lighting shall only be provided in accordance with the approved details.

To safeguard the ecological interests of the local area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No works of excavation shall take place under the canopy of trees unless it is in accordance with a method statement which has been submitted to and approved in writing by the local planning authority.

To prevent damage to the trees during the construction period building and parking areas as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved 16/0437_02 Rev B shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety.

8) The building hereby permitted shall not be used or occupied until all roads, access-ways and footways serving the building have been laid out and surfaced to basecoat tarmac level or to such other standard suitable for the passage of vehicles or pedestrians as may be approved in writing by the local planning authority.

In the interest of highway safety.

9) The development hereby permitted shall not be used or occupied until the visibility splays shown on the approved 16/0437_02 Rev B have been provided and anything which obstructs visibility at any height greater than 0.9m metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/0437_02 Rev B, 16/0437_013 Rev A, 16/0437_010 Rev A, 16/0437/22, 16/0437_07 Rev A, 16/0437_08 Rev A, 16/0437_35, 16/0437_36

Rev B, 16/0437_014 Rev A, 16 0437/20, 16/0437_05 Rev A, 16/0437_06 Rev A, 16/0437_012 Rev A, 16/0437_11 Rev A, 16 0437/23, 16 0437/21

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

11) In accordance with the approved plan, drawing number 16/0437_02 Rev B, the pedestrian access onto Manor House Gardens shall be permanently retained in order to cater for the needs of pedestrians accessing the site from the west.

In the interests of ensure accessibility to the site in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan

12) No development shall take place until an Access Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Access Plan should set out: a) procedures to govern the operation of the gates onto Mont St Aignan Way and ensure they are shut except when vehicles and pedestrians are entering and departing; b) procedures to cover the possibility of the gate being inoperative due to power cut or mechanical or electrical failure; c) what arrangements will be made to ensure that residents of the home do not inadvertently walk out onto Mont St Aignan Way; and d) what arrangements will be made to manage parking on the occasion of any special events.

In the interest of highway safety.

13) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

In the interest of Security, Crime Prevention and Community Safety and in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

14) Prior to works starting (including vegetation clearance) details of the methodology to clear the vegetation and buildings on site to avoid impacting protected/notable species must be submitted to and approved by the local planning authority. The works must be carried out as detailed within the approved scheme.

In the interests of the biodiversity of the site.

15) Prior to the occupation of the development hereby approved, an ecological enhancement plan detailing what enhancements will be incorporated in to the site shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance of the approved scheme.

In the interests of the biodiversity of the site.

16) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that

Agenda Item 4.1

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 in the first instance within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

17) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

18) 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 it has been demonstrated 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.

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

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

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

20) No development shall commence on the demolition the existing care home or the construction of the replacement care home until the approved new vehicular access onto Mont St Aignan has been constructed and is in use.

In the interest of highway safety.

21) No development shall take place including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved method statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction.

To mitigate the impact during construction relating to highways safety and neighbouring amenities, in accordance with policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

22) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

23) The development shall achieve a BREEAM minimum rating of "Very Good". 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 BREEAM Design Certificate minimum rating of "Very Good" 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 BREEAM Post Construction Certificate minimum rating of "Very Good" or alternative as agreed in writing by the local planning authority. The achievement of a BREEAM "Very Good" rating shall include at least a 10% reduction in 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 Policy SP2 of the Sevenoaks Core Strategy. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

Informatives

- 1) 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.
- 2) The applicant is advised that a sundial was donated to the town from its twin town Mont St Aignan and it should be included in the garden of the new

Agenda Item 4.1

development.

3) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

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.

Description of site

- 1 The application site lies within the urban confines of Edenbridge. The site lies on the western side of Mont St Aignan Way and currently accessed via Manor House Gardens. The site is known as Stangrove Lodge, which is currently a vacant care home. It is surrounded on three sides by residential properties. To the north lie the rear gardens of residential properties on Stangrove Road, whilst the west and south lie the residential properties of Manor House Gardens.
- 2 The existing Stangrove Lodge is a large single storey structure which provides 56 bedrooms. The main building is located within the central and

northern section of the site, whilst the access, parking and service areas are located on the southern section of the site. The site is served by 23 parking spaces, with a drop off point at the main entrance.

- 3 The trees along the southwestern and southern boundaries of the site are covered by a Tree Preservation Order. There is a mix of trees, landscaping and boundary fencing along the western and northern boundaries. The eastern boundary of the site is formed by a 2 high brick wall, which faces onto Mont St Aignan Way. The grass verge between Stangrove Lodge boundary wall and St Aignan Way forms part of a wider green amenity space.

Description of proposal

- 4 This proposal is for the demolition of the existing vacant 56 room care home and its replacement with part two storey and part three storey care home providing 85 rooms. The replacement building will essentially be sited in the same location as the existing care home. The footprint of the proposed building is smaller than the existing building
- 5 The scheme introduces a new vehicular and pedestrian access onto Mont St Aignan Way and increases the parking provision from 23 parking spaces to 35 parking spaces. The existing vehicular access will gated.
- 6 The proposal includes extensive new landscaping and tree planting and the reorganisation of the communal gardens areas as well as providing additional screening to this development. A refuse store and cycle racks are proposed to be installed close to the existing access.
- 7 A section 106 obligation accompanies the application providing off highway contribution to place parking restrictions on Mont St Aignan Way.

Constraints

- 8 Tree Preservation Order (Southwest and south sections of site)
- 9 Area of Archaeological Potential (Southwest corner - no works proposed within this area)
- 10 Urban confines

Policies

Sevenoaks Core Strategy

- 11 Policies:
 - LO1 - Distribution of Development
 - LO6 - Development in Edenbridge
 - SP1 - Design of New Development and Conservation
 - SP2 - Sustainable Development
 - SP10 - Green Infrastructure, Open Space, Sport and Recreation Provision
 - SP11 - Biodiversity

Agenda Item 4.1

Sevenoaks Allocations and Development Management Plan

12 Policies:

- SC1 - Presumption in Favour of Sustainable Development
- EN1 - Design Principles
- EN2 - Amenity Protection
- EN6 - Outdoor Lighting
- EN7 - Noise Pollution
- GI2 - Loss of Open Space
- T1 - Mitigating Travel Impact
- T2 - Vehicle Parking
- T3 - Provision of Electrical Vehicle Charging Points

Other

13 National Planning Policy Framework:

Planning history (most relevant)

- 14 12/01665/FUL: Closure of vehicular access from Manor House Gardens. New gated access from Mont St. Aignan Way and new Bellmouth. Associated rearrangement of car parking spaces - Refused - Allowed at Appeal 13/02/2015 (still extant)
- 11/01392/FUL: Removal of existing roofs and erection of first floor over extended ground floor to increase the total number of bedrooms at the care facility to 84 - Approved (not implemented)
- 10/00712/FUL: Erection of new single storey extensions to existing residential care home - Approved
- 07/03338/FUL: Erection of single storey conservatory - Approved
- 02/01516/FUL: Single storey extension to provide additional lounge and dining facilities for residents - Approved
- 80/01686/RM: Details for aged persons home - Approved
- 79/01190/OUT: Outline application for the erection of aged persons home and day care centre - Approved

Consultations

Edenbridge Town Council

- 15 Members object to this application. Stating that, whilst the increase in height to three stories fronting Mont St Aignan Way was acceptable, it is particularly important to ensure that the development is not overbearing to the smaller properties in Manor House Gardens and that those in Stangrove Road are not overlooked.
- Should the application be granted, Members recommended that the glass in the windows of the stairwells should be one-way so that light pollution is minimised.

- Members remain extremely concerned over the safety of staff and visitors crossing Mont St Aignan Way to access the completed site, some of whom will be elderly, and suggest that a pedestrian access be created closer to Stangrove Road, which could then be safely accessed via a short stretch of pavement from the junction of Mont St Aignan Way and Stangrove Road. The introduction of a left turn only into and out of the site would improve road safety.
- There are also concerns that pedestrians may try to use the site as a shortcut to the town or railway station, unless it is sufficiently secured to prevent this, and the possibility of vulnerable residents accessing Mont St Aignan Way.
- The Officer is asked to check that the balance of external materials is appropriate and that large expanses of white render and boarding are proportionate and in keeping with surrounding properties. The use of additional boundary vegetation could be used to soften the impact for neighbours.
- Members require the access from Mont St Aignan Way be created first, and all deliveries and construction vehicles to use this access. Onsite parking must be provided for all construction workers.
- Members would wish to see some beds allocated for use by the NHS to ease bed blocking.
- The current site is the home to a sundial donated to the town from its twin town Mont St Aignan. Members would like assurances that this would be included in the garden of the new development.

SDC Tree Officer

- 16 Generally this proposed scheme appears to work without the need to remove valuable protected trees on site. I do need however to clarify the finer details of these proposals where alterations are being made to hard landscaping adjacent to trees to be retained. A larger drawing showing details of changes to kerb lines and parking areas within the south and south west of the site will be required for me to make a full assessment.
- 17 Conditions for any consent given should include tree protection, any proposed tree pruning and hard and soft landscaping details.

Kent County Council - Flood and Water Management

- 18 The planning application is supported by a Drainage Impact and Flood Risk Assessment prepared by Tridax (April 2017). The proposed development will reduce impermeable area within the site slightly. The FRA states that the site is underlain by River Terrace Deposits. Falling head borehole tests have been undertaken to investigate suitability of infiltration for surface water management. An outline drainage strategy proposes the use of four cellular soakaway structures.
- 19 Kent County Council as Lead Local Flood Authority has the following comments:
1. No information has been presented as to the current method of managing surface water from the development site or where surface water would discharge;

Agenda Item 4.1

2. The infiltration testing included within the report is not sufficient to fully determine an appropriate rate for drainage design. Infiltration testing should comply with requirements as set out in Kent County Council's Drainage and Planning Policy Statement.
- 20 As this is a brownfield site within an existing drainage system with areas sufficient to accommodate surface water management measures, it is anticipated that a drainage system can be designed to manage runoff from roof and parking areas so as to manage any potential flood risk, particularly as there is a slight reduction in impermeable areas.
- 21 However any subsequent design should first assess in greater detail the presence of any existing surface water drainage system and its discharge destination and secondly more appropriately assess the infiltration rate of the underlying ground. Any subsequent ground investigations should be undertaken in the locations of the proposed soakaways.
- 22 Notwithstanding the above comments, we would recommend that conditions are attached should your Authority be minded to grant permission to this development.

KCC Highways

Latest comments - 4 August 2017

- 24 It is considered that the contribution towards highways works as outlined in the original Agreement will be required. This is towards the costs on consultation on, advertising of and marking and painting of parking restrictions along Mont St Aignan Way.

Original comments - 10 July 2017

- 25 The current pedestrian and vehicle access to the site is via Manor House Gardens, which is a residential cul-de-sac. The proposed access is to the east of the site on Mont St Aignan Way (B2026) which is a bypass around Edenbridge town centre.
- 26 In line with SPG4 parking standards, provision is required for a 1 space per residential staff, 1 space per 2 other staff and 1 space per 6 residents. A minimum of 1 space is required for an ambulance. The current application proposes 35 parking spaces, including 2 disabled spaces, and an ambulance space, which slightly exceeds current parking standards. 10 cycle parking spaces are proposed.
- 27 A previous application (SE/12/01665/FUL) for the closure of vehicular access from Manor House Gardens, and provision of a new gates access from Mont Aignan Way was refused by SDC, but subsequently allowed at appeal.
- 28 The access is proposed by way of a priority 'T' junction on Mont St Aignan Way. This provides a main vehicular access with as gated vehicular access. The access is 5.1m in width which allow two cars to pass one another. The access is proposed approximately 100m from both signal junctions on Mont St Aignan Way, whereby sufficient visibility splays can be achieved.

- 29 The approved access arrangements include a condition requiring the submission on an Access Plan prior to the commencement of construction.
- 30 In line with the above and having considered the development proposal and the effect on the highway network, I raise no objection on behalf of the local highway authority. I suggest that a condition to prevent mud, stones etc onto the public highway during construction.

Kent Police Crime & Design Officer

- 31 Having reviewed the plans and documentation, the applicant/agent has considered crime prevention and has attempted to apply the seven attributes of Crime Prevention through Environmental Design. Full details can be controlled by condition.

KCC Ecology

- 32 We have reviewed the submitted ecological information and we are satisfied ecological information has been submitted to determine the application.
- 33 An ecological scoping survey and a bat emergence survey have been carried out and they have concluded the following:
- Common pipistrelle bats are foraging within the site;
 - Limited potential for reptiles and great crested newts to be present with scrub
 - Suitable features for breeding birds to be present
 - Potential for hedgehogs to be present within the site
- 34 From reviewing the site plan we understand that the hedgerow/areas of native scrub will be retained and therefore the habitat for any reptiles, great crested newts or hedgehogs (if present) will be maintained that areas of non native scrub will be removed and if reptiles, great crested newts or hedgehogs are present within the site there is some potential that they will present within these areas. To address this concern we recommend that these habitats are removed under an ecological watching brief.
- 35 Request conditions relating to restricting lighting and biodiversity enhancements.

Natural England

- 36 No comment.

Kent Wildlife Trust

- 37 No response.

NHS Property

- 38 No response.

Representations

Agenda Item 4.1

- 39 15 letters of objection have been received, raising the following concerns:
- New access will harm traffic flows and highway safety
 - New access will harm the visual amenity of the local area
 - Concerns over pedestrian safety with the proposed footpath onto the relief road
 - Drainage and soakaways will not be suitable or adequate
 - Loss of privacy
 - Disturbance during construction works
 - Access does not need changing
 - Development out of character with the local area
 - Oppressive and overbearing form of development
 - Materials are not in keeping with the immediate area
 - Light pollution
 - Impact upon the green corridor along Mont St Aignan Way
 - Self contained facilities
 - Three storey high is out of character with the local area
 - Fencing needs to be high

Chief Planning Officer's appraisal

Principal issues

- 40 The main issues for consideration are as follows:
- Principle of the development
 - Impact upon the visual amenity and character of the local area as well as the wider townscape
 - Impact upon neighbouring amenity
 - Impact upon trees and landscaping
 - Impact upon highway safety
 - Impact upon ecology
 - Impact upon drainage
 - Other matters

Principle of development

- 41 Paragraph 14 of the NPPF confirms that there is a presumption in favour of sustainable development and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 42 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 43 There are no specific development plan policies for care homes, which fall under Class C2 use and the site is not sited within one of the restricted designations under paragraph 14 of the NPPF. Therefore there is a general presumption in favour of this development.
- 44 The proposal is also already a care home and the proposed new care home will make more efficient use of the land, by increasing the size and number of rooms provided for this replacement care home. Therefore the principle of the redevelopment of the site for a care home is acceptable.

Impact upon the visual amenity and character of the local area as well as the wider townscape

- 45 The existing care home is a large single storey building surrounded by two storey dwellinghouses. The site and its building very much stands alone from the neighbouring residential properties in how the site is viewed in the local area and wider townscape. The wider area along Mont St Aignan and principal roads through Edenbridge also feature a number of three storey properties facing onto the public highway
- 46 The proposed replacement care home is substantially larger in height than the existing care home, as it is proposed to be a mix of two and three storeys, which more than double the height of the existing building. The proposal varies in height from between 7.5m to 10m for the two storey elements and up to 12.5m for the three storey elements.
- 47 The site and its spacing to neighbouring development is more than capable of accommodating the proposed bulk, scale, massing and height proposed without causing harm to the visual amenity of the local area or wider townscape. Extensive tree screening exists on a number of the boundaries and additional planting is proposed to help soften the development.
- 48 The design is relatively traditional with dual pitched roofs reflecting the Kentish vernacular and roof pitches. White boarding and red brickwork under a under tiled roof are proposed for the external finishes. The windows proposed are of a more contemporary design and form, whilst the proposed stairwells are fully glazed from ground to eaves height. I note some concerns have been raised over the choice of materials for the new building; however the final choice of materials will be controlled by condition.
- 49 The proposed creation of a vehicular access will not harm the visual amenity of the local area, but may actually bring some relief from the existing 2m high brick wall that fronts onto Mont St Aignan Way, allowing views through to the soft landscaping beyond.
- 50 The proposed replacement care home will without doubt be more visually prominent in the local area due to its increase in size; however it is a high quality design that does not harm the visual amenity of the local area or the wider townscape. Therefore the proposal complies with policy EN1 of the ADMP.

Agenda Item 4.1

Impact upon residential amenity

- 51 Policy EN2 of the ADMP seeks to safeguard the residential amenity of neighbouring properties.
- 52 The proposed replacement care home is sited some 30 to 40m away from the dwellinghouses on Stangrove Road. Therefore given such separation the proposal will not result in any loss of privacy, overlooking, outlook, daylight or sunlight to these neighbouring properties.
- 53 The residential properties 10-14 Manor House Gardens that face onto the proposed development are sited over 25 metres away from the proposed development. Therefore again given such a separation distance, the proposal will not result in any loss of privacy, outlook, daylight or sunlight to these neighbouring properties.
- 54 26 Manor House Gardens lies to the south of the proposed development and its flank elevation faces towards the existing car park area. The distance from the side elevation and private amenity space of 26 Manor House Gardens to the proposed development is between 23m to 26m given the differing orientations. Again given such a separation distance, the proposal will not result in any loss of privacy, outlook, daylight or sunlight to these neighbouring properties.
- 55 The closest property to the proposed replacement care home is 19 Manor House Gardens. Its flank elevation lies just over 7m from the proposed two storey element of the care home. The side elevation of the proposed development only features windows in the end elevation serving a stairwell which potentially result in loss of privacy given the 10m separation distance at this point. To ensure the privacy of 19 Manor House Gardens is protected the glazing in the full height windows on this stairwell will be obscure glazed and non openable to protect the neighbouring property from loss of privacy and overlooking.
- 56 In terms of the impact on light to 19 Manor House Gardens, the proposed closest part of the development lies to the northeast to their habitable rooms and private amenity space and therefore will not result in any loss of sunlight. Similarly with daylight, given the staggered heights, separation distances and tapered nature of the layout of the property, the proposal would pass the 45 degree daylight test and the more detailed BRE daylight tests. Therefore the proposal will not result in a significant loss of daylight or sunlight to 19 Manor House Gardens.
- 57 The proposed development is some 20 plus metres from all but 19 Manor House Gardens and whilst the proposed care home increases in height, it will not result in any overbearing impact on any of the proposed dwellings 20 plus metres from the proposal. However 19 Manor House Gardens shares a closer relationship with the proposed replacement care home. The principal outlook from habitable rooms looking down their garden will not be affected. It is acknowledged that the proposed development will be visible when looking across over their side boundary and existing screening. The applicant is proposing additional planting along this side boundary to help soften the development and lessen its visual prominence. Therefore I

am satisfied that the proposed development will not result in any loss of outlook or be overbearing upon 19 Manor House Gardens.

- 58 Concern has also been raised in relation to light pollution from the large glassed stairwells and the nuisance that this will potentially cause to neighbouring residential properties. The site does lie within an urban area, where external lighting is already prevalent and to be expected. To ensure that the lighting spillage is not excessive and complies with policy EN6 of the ADMP, a condition will be imposed to restrict spillage from the large glazed section of the replacement care home.

Impact on highway safety

- 49 The main highway consideration with this proposal is the closure of the main vehicular access onto Manor House Gardens and the creation of a new access onto Mont St Aignan Way.
- 60 This proposed change to the access arrangements follows a previous extant planning permission which was allowed at appeal by the Planning Inspectorate in February 2015. This is a significant material consideration in the assessment of this planning application.
- 61 In allowing the creation of a new access onto Mont St Aignan, the Planning Inspectorate found that the new vehicular access would not be detrimental to the free flow of traffic along the relief road. Kent Highways has reviewed the current scheme and raise no objection to the creation of the access in this location and raise no concerns over highway safety.
- 62 The proposal also includes the provision of pedestrian access from the site onto Mont St Aignan Way, which again was part of the extant scheme allowed at appeal. Kent Highways has reviewed this element of the scheme and raised no objections. In particular I would draw Members attention to the Planning Inspector's following comments on this matter:
- “Given the nature of the highway and traffic movements along it, the pedestrian access would provide its users with a safe and suitable access to the development” and then went on to say “To my mind such an access would benefit pedestrians and avoid them walking the circuitous route through Manor House Gardens”.
- 63 The application is also accompanied by a Section 106 obligation, as the previous application, regarding a highway contribution. This would be used to provide parking restrictions along Mont St Aignan Way in order to maintain visibility splays for both vehicles and pedestrians. Such works are in line with policies T1 of the ADMP and SP9 of the Core Strategy in order to mitigate the traffic impacts of the proposed development.
- 64 The current 56 room car home is served by 23 parking spaces, whilst the proposed 85 room replacement car home is to be served by 35 car parking spaces, 10 cycle spaces and an ambulance parking space. Kent Highways considers that the parking provision meets and actually slightly exceeds the parking standards set out under policy T2 of the ADMP.

Agenda Item 4.1

- 65 Therefore the proposed development is compliant with planning policy in respect of highway conditions.

Impact upon trees and landscaping

- 66 The proposed scheme looks to preserve and retain all the visually important and protected trees along the southern and southwest section of the site. These trees hold great aesthetic value to the character of the local area and their retention is welcomed. Appropriate tree protection measures and details of the hardstanding works in close proximity to these trees root protection areas can be controlled by condition to ensure the long term protection of these trees.
- 67 A small number of trees are to be removed as part of this scheme, however these are not visually important and the Tree Officer has not opposed their removal. There is an opportunity with this scheme to improve the landscaping and tree planting on this site. Such as, additional planting along the northern and eastern boundaries with the residential properties on Stangrove Road and Manor House Gardens, respectively. Full details of the landscaping scheme and any tree pruning works can be controlled by condition.
- 68 Therefore the proposal will not harm the treed or landscaped nature of this scheme and as such complies with policy EN1 of the ADMP.

Construction Management

- 69 Concern has been raised by local residents and the Town Council over the disturbance of the proposed construction works, parking, deliveries and then phasing of the proposed works. Kent Highways has also asked for wheel washing and a requirement that the new access is put in first before development commences on the replacement care home. Both details of the construction management and the requirement for the new access to be constructed first can be conditioned.

Biodiversity

- 70 It is noted that the site does feature a number of wildlife species. KCC Ecology raise no objection to the scheme subject to the appropriate mitigation measures, which involves retaining all wildlife on the site, as improving the biodiversity of the site and restricting the external lighting on the site. The proposal would not result in any net loss but includes enhancements and therefore complies with policy SP11 of the Core Strategy. All the mitigation measures and biodiversity enhancements will be secured by condition.

Drainage

- 71 Concern has been raised to whether the surface water and foul drainage in the local area would not be adequate to cope with the enlarged replacement care home. It should be noted that this is an existing site with an already large 56 room care home, already connected to the existing drainage systems. The Kent Lead Local Flood Drainage Authority acknowledges this and also notes that there will be a small reduction in the hard surfaces across the

whole site. They have raised no objection subject to further details of the proposed drainage systems including SUDS, which will be conditioned.

Other matters

- 72 I note that the requests to increase the height of boundary fences are a matter between the applicant and neighbouring properties. This is matter between the parties so long as the fence does not exceed 2 metres in height planning permission is unlikely to be required. There are no instances as part of this scheme where the need to increase the height of a fence is related to privacy or noise disturbance.
- 73 There is no policy requirement to require that a number of rooms are for NHS patients, or that the facilities provided within the care home should be opened up the members of the general public.

Sustainable Construction

- 74 Under policy SP2 of the Core Strategy all new C2 developments are required to achieve a BREEAM rating of very good. The application is accompanied by a statement indicating that this can be achieved. Full details of compliance with BREEAM standards will be controlled by condition.

Green Space

- 75 The application involves the creation of a new vehicular access across the green verge space covered by policy GI2 of the ADMP. However planning permission already exists for the small section of green amenity space being removed for the new access and =found to be acceptable.

Community Infrastructure Levy

- 76 The proposal is not CIL liable as it relates to a care home (Class C2 use)

Conclusion

- 77 In light of the above considerations, I find this proposal acceptable.

Background papers

Site and block plan.

Contact Officer(s): Mark Mirams Name and extension: 7451

Richard Morris
Chief Planning Officer

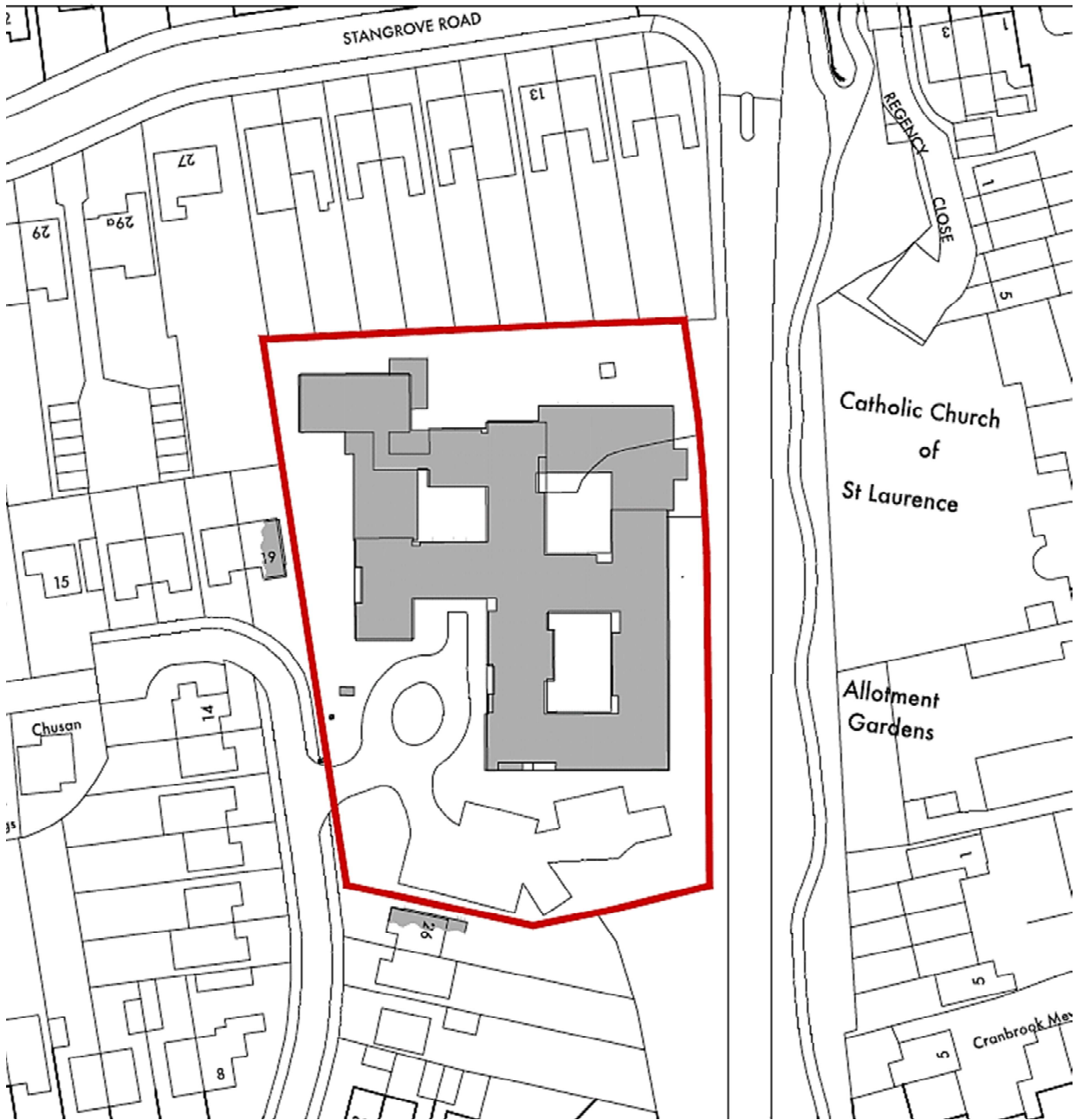
Agenda Item 4.1

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OQGSMXBKM1M00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQGSMXBKM1M00>



4.2 - 17/02363/FUL

Date expired 31 October 2017

Proposal: Demolition of the existing buildings and hardstanding on-site and the erection of 29 No. dwellings comprising 6 No. two-bedroom, 15 No. three-bedroom, 6 No. four-bedroom, and 2 No. five-bedroom houses, hard and soft landscaping.

Location: Warren Court Farm, Knockholt Road, Halstead, Kent TN14 7ER

Ward(s): Halstead, Knockholt & Badgers Mount

ITEM FOR DECISION

This application is referred to Development Control Committee by Councillor Williamson to consider the impact of the bulk of the development on the Metropolitan Green Belt in accordance with policies EN1 and H1 of the Allocations and Development Management Plan (2015).

RECOMMENDATION A: That planning permission be GRANTED subject to:

- a) The conditions set out below, subject to the officers being authorised to make any appropriate amendments arising following negotiations and/or in the light of legal advice.
- b) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation being completed no later than 19 January 2018 (PROVIDED THAT if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice).
- c) The S106 legal agreement shall include the following requirements:
 - i Provision of on site affordable housing.

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-2571-001/A; 002/M; 003/E; 004/E; 005/D; 006/C; 007/C; 008/C; 016/B; 017; 020/E; 022/B; 023/A; 024/B; 026/C; 027/C; 028/C; 030/A; 031/B; 034/E; 040; 041, JBA 16/241-03/B.

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

- 3) No development shall be carried out on the land until a remediation strategy that includes the following components to deal with the risks associated

Agenda Item 4.2

with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

- a. A preliminary risk assessment which has identified:-
 - i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

No development shall be carried out otherwise than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met. No development shall take place other than in accordance with the approved details.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

6) No development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall be based on the preliminary strategy prepared by MLM Ltd (July2017) 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 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site, unless otherwise agreed in writing by the local planning authority. No development shall take place other than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Details shall include:

- i) a timetable for its implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

8) 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 it has been demonstrated 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.

To protect vulnerable groundwater resources and ensure compliance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

9) No development shall be carried out on the land until a demolition and construction environmental management plan (CEMP) for that Phase has been

submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include:

- a. Details of the proposed working hours
- b. Details of locations of vehicle parking for site operatives and visitors
- c. Details of proposed wheel washing facilities located adjacent to the construction site access
- d. Details of an area for the storage of plant and materials
- e. A site waste management plan
- f. How the construction will comply with the sustainable use of soils on construction sites
- g. Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site
- h. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- i. Details of the measures to mitigate the noise and vibration from construction
- j. Details of a surface water drainage scheme for the temporary drainage of the Site

The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

10) No development shall be carried out on the land until full details of existing and proposed levels shall be submitted to and agreed in writing by the local planning authority. Proposed plans shall include a level (e.g. highway or footpath) adjacent to the site that will remain fixed/ unchanged and shall include levels adjoining the site. No development shall take place other than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the proposals would not impact detrimentally on amenity in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall be carried out on the land until a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby approved. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Allocations and Development Management Plan.

12) No development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the local planning authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units hereby approved and shall be retained thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Allocations and Development Management Plan.

13) 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 dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Allocations and Development Management Plan.

14) No development shall be carried out on the land until full details of the internal roads, including footpaths, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture has been submitted to and approved in writing by the local planning authority. The details shall demonstrate compliance with Kent County Council Highways Authority adoption standards. The internal roads, pavements, off-street parking spaces (including for visitors) and turning areas shown on the hereby approved plan 16-2571/002/M shall be provided prior to first occupation of any dwelling and kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or not, shall be carried out on that area of land or to preclude vehicular access thereto. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

15) No development shall be carried out on the land until details for the bellmouth access and footway enhancement works shown on the hereby approved drawing 03.2/F, including provision of a continuous footway and dropped kerb pedestrian crossings has been submitted to and approved in writing by the local

planning authority. The bellmouth access and footway enhancement works shall be completed in accordance with the details so approved prior to first commencement of development. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of highway and pedestrian safety in accordance with policies EN1 and T1 of the Allocations and Development Management Plan.

16) The visibility splays shown on the hereby approved drawing 16-2571/002/M shall be provided prior to first occupation of the development and retained and maintained thereafter.

In the interests of highway and pedestrian safety in accordance with policies EN1 and T1 of the Allocations and Development Management Plan.

17) No development shall be carried out on the land until details for the installation of electric vehicle charging points showing their proposed locations, type and specifications have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and shall be retained and maintained for use at all times. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Allocations and Development Management Plan.

18) No development shall be carried out on the land until a landscaping scheme consistent with the hereby approved Landscape Masterplan (ref. JBA 16/241 - 03) has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following details:

- a) trees and shrubs to be retained (including details of appropriate tree protection measures for the existing trees and shrubs shown to be retained);
- b) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible), density and size;
- c) enclosures: including types, dimensions and treatments of walls and fences (to include retention of boundary treatments on the north and east side boundaries), pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;
- d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces;
- e) any other landscaping feature(s) forming part of the scheme; and
- f) a landscape management plan detailing how each of the landscaping areas will be maintained.

All landscaping in accordance with the approved scheme shall be completed / planted prior to the first occupation of any part of that phase. The landscaping and tree planting shall have a two year maintenance / watering provision following

planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within ten years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season. No development shall take place other than in accordance with the approved details and shall be maintained as such thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Allocations and Development Management Plan.

19) No development shall be carried out on the land until an Arboricultural Method Statement (to include a schedule of pruning works) and a Tree Protection Plan (specifying necessary tree protection measures) in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

20) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the local planning authority. The details shall include, but not be limited to, provision of bat boxes, bird boxes and native planting and a timetable for implementation. No development shall take place other than in accordance with the approved details prior to the first occupation of the development. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and GI1 of the Allocations and Development Management Plan.

21) The development shall be carried out in full accordance with the

precautionary mitigation recommendations set out in part 6 of the hereby approved Ecological Appraisal (by Aspect Ecology dated 15/12/2106).

In order to protect nature conservation in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Allocations and Development Management Plan.

22) No development shall be carried out on the land until a detailed method statement for the removal/eradication of all Japanese knotweed on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statement. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To prevent the further spread of Japanese knotweed and to comply with policies EN1 and GI1 Allocations and Development Management Plan.

23) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. Details shall include details of fixtures and location, hours of operation and details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution. Despite any development order, outside lighting shall only be provided in accordance with the approved details and no further external lighting shall be installed on the site without the prior written consent of the local planning authority.

In the interests of the visual amenity of the area and to ensure the creation of a safe and secure environment in accordance with policy EN1 of the Allocations and Development Management Plan.

24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out to plots 9, 10, 11, 12 or 13 without the prior written approval of the local planning authority.

To prevent inappropriate development in the Green Belt and to safeguard the openness and visual amenity of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes B or C of Part 1 of Schedule 2 to the said Order shall be carried out to plots 1-8 (inc) or 23-29 (inc) without the prior written approval of the local planning authority.

In order to safeguard the residential amenities of existing and future occupiers of the development and surrounding properties in accordance with policy EN2 of the Allocations and Development Management Plan.

26) The first floor level bathroom and stair windows in the rear (north)

elevation of plot 1 shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) You are advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 with Kent County Council and for the approval of plans for the works to the highway before commencement of any works on the land. Please contact Kent Highways, West Kent Area Office, Block I, St. Michael's Close, Aylesford, Kent ME20 7TZ (Tel. 01622 605980).

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

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

grounds.

- 1) The proposal fails to secure appropriate provision for affordable housing contrary to policy SP3 of the Core Strategy (2011), the Affordable Housing SPD, National Planning Policy Framework and National Planning Practice Guidance.

Description of proposal

- 1 Demolition of the existing buildings and hardstanding on-site and the erection of 29 dwellings comprising 6 two-bedroom, 15 three-bedroom, 6 four-bedroom, and 2 five-bedroom houses, hard and soft landscaping.

Description of site

- 2 The site comprises approximately 1.125 hectares of land on the west side of Knockholt Road at the southern edge of the village of Halstead. The majority of the site is allocated for residential development in our Allocations and Development Management Plan (ADMP). The site gently slopes from east to west falling approximately 5 metres between front and rear boundaries. The site is mainly hard surfaced with concrete and comprises a mixture of mainly single storey breeze block built buildings and structures with a variety of cladding or render, supporting pitched or flat roofs. The buildings have established light industrial, industrial and storage and distribution uses. Part of the site has also been used for vehicle storage. Existing vehicular access is via a private access drive from Knockholt Road.
- 3 The site borders Deerleap Wood to the rear (north-west). This area of woodland, covering an area of approximately 1.7 hectares, does not have any designated woodland or ecological status. It is not included in the revised Ancient Woodland Inventory for Sevenoaks District (compiled in 2012). The closest area of ancient woodland is located at Deerleap Wood North, some 320 metres north-west of the site. The site is bound by an open grassland field to the south west and pockets of woodland beyond. It is partially screened by mature leylandii trees on this boundary. Warren Court Farm (dwelling and garden) and Knockholt Road are located to the south and Deerleap Stud Farm and residential dwellings are located to the north.

Constraints

- 4 Urban confines Halstead
- 5 Metropolitan Green Belt
- 6 Landfill Sites

Policies

Allocations and Development Management (ADMP):

- 7 Policies:
 - EN1 - Design Principles
 - EN2 - Amenity Protection

- EN4 - Heritage Assets
- EN5 - Landscape
- EN6 - Outdoor Lighting
- GI1 - Green Infrastructure and New Development
- GI2 - Loss of Open Space
- GB2 - Basements within Residential Developments in the Green Belt
- GB4 - Replacement Dwellings in the Green Belt
- GB9 - Replacement of a Non-Residential Building in the Green Belt
- T2 - Vehicle Parking
- T3 - Provision of Electrical Vehicle Charging Points

Core Strategy (CS):

8 Policies:

- LO1 - Distribution of Development
- LO8 - The Countryside and the Rural Economy
- SP1 - Design of New Development and Conservation
- SP2 - Sustainable Development
- SP3 - Provision of Affordable Housing
- SP11 - Biodiversity

Other:

- 9 Development in the Green Belt SPD
- 10 Countryside Character Area Assessment
- 11 Village Design Statement
- 12 National Planning Policy Framework
- 13 Planning Policy Guidance

Planning history

- 14 16/03982/FUL: Demolition of the existing buildings and hardstanding on-site and the erection of 31 No. dwellings comprising 8 No. two-bedroom, 13 No. three-bedroom, 6 No. four-bedroom, and 4 No. five-bedroom houses, public open space, hard and soft landscaping. WITHDRAWN
- 15 Deerleap Stud Farm - 04/00158: Erection of 3 x 4 bed detached houses. Granted July 2004.

Consultations

Halstead Parish Council (summary)

- 16 Objection:
 - Inappropriate and over development in the Green Belt;
 - Incongruous design;
 - Residential development outside the village envelope;
 - Risk of flooding;

Agenda Item 4.2

- No proposal to contribute towards affordable housing (*Officer note: 2 affordable housing units would be secured by planning obligation*);
- Inadequate access;
- Disappointed that the developer refers to Warren Court Farm as a brown field site (*Officer note: the site is by definition previously developed land, otherwise known as brown field land*);
- Loss of rural business and employment site.

Knockholt Parish Council (summary)

17 Objection:

- Reduction of 2 bedroom dwellings contrary to SDC's identified needs for smaller properties;
- Do not support payment of a commuted sum in lieu of on-site affordable housing; (*Officer note: although our policy permits payment of commuted sums in certain circumstances, 2 affordable housing units would be secured on site by planning obligation*);
- Proposed dwellings too concentrated on this site;
- Loss of jobs and employment is detrimental to the local economy (*Officer note: the site is currently vacant and allocated for residential development in the ADMP*).

KCC Highways: (summary)

18 No objection subject to conditions.

- Bellmouth at junction acceptable and to be secured by condition;
- Provision of visibility splays to be secured by condition;
- Reinstatement of footway and dropped kerb pedestrian crossings to be secured by condition;
- Quantum and layout of parking spaces acceptable;
- Parking spaces not independently accessible;
- Internal roads should comply with KCC adoption standards;
- Provision of construction management plan and wheel washing to be secured by condition

KCC Ecology: (summary)

19 No objection subject to conditions.

20 Protected species: the site is predominantly hardstanding and as such, has limited potential for protected species. Therefore, we are satisfied with the likely absence conclusion of the ecological report, however, the precautionary mitigation recommendations in the report should be implemented during construction.

21 Invasive species: the site has a population of Japanese knotweed, of which is an invasive, non-native species listed under schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to

plant or otherwise cause it to grow in the wild. If left un-treated the development will cause the spread of the plant elsewhere. Therefore we advise that full eradication is carried out prior to any development and evidence of this is submitted to the Local Planning Authority. If this is not possible (due to seasonal constraints) than any strands of Japanese knotweed will need to be fenced off to prevent spread and dealt with in the correct season.

- 22 Retained habitats: we advise that all hedgerows and the woodland to the north of the site shall be protected during construction in line with standard arboriculture best practice (BS5837:2012) and in line with any submitted arboriculture report.
- 23 Recommend conditions are attached to any granted planning application in regards to the removal of invasive species and implementation of ecological enhancements.

KCC Local Lead Flood Authority: (summary)

- 24 No objection subject to conditions
- 25 This application is accompanied by a 'Flood Risk Assessment and Drainage Strategy' (FRA/DS - MLM Ltd July 2017) which outlines how the surface water generated by these proposals can be accommodated and disposed of within the curtilage of the site. Although no specific infiltration testing has yet been undertaken, the FRA/DS suggests that the underlying geology will be capable of accepting the development's runoff via deep-bored soakaways. However, at the detailed design stage we would expect to see confirmation of the exact locations of the proposed attenuation/infiltration features along with location specific soakage testing to demonstrate that the scheme has been appropriately sized and will function as intended. Additionally, and in light of the site's location within a Groundwater Source Protection Zone 3, we would expect to see evidence of the Environment Agency's approval of the location and nature of any SuDS feature. The detailed drainage design should be developed to be fully in accordance with the recommendations of the submitted FRA/DS. Recommend conditions.

KCC Development Contributions Team: (summary)

- 26 No objection subject to conditions
- 27 Whilst we appreciate this application will pay the CIL adopted by Sevenoaks District and that the County Council cannot request contributions through a s106 agreement, the development will still have an impact on County services which cannot be accommodated within existing capacity. This development will place unfunded pressures on KCC including in terms of primary and secondary education, community learning, youth service, libraries and social care. KCC would also request Sevenoaks DC seek the provision of Superfast Fibre Optic Broadband (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community.

Crime Prevention Design Advisor: (summary)

Agenda Item 4.2

- 28 The applicant/agent has not addressed crime prevention nor have they have they demonstrated the seven attributes of CPTED in their Design and Access Statement (D&AS). To date I have had no contact or communication and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate. If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would request that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively.

Thames Water:

- 29 Sewerage infrastructure capacity - no objection.
- 30 Water infrastructure capacity - no objection.

Representations

- 31 38 notification letters sent. Press and site notice displayed. The statutory consultation period ended on 31.08.2017. 9 objections/comments received, as summarised below:

- Overdevelopment;
- Too high density, exceeds site allocation;
- Out of keeping with rural village;
- Welcome Kentish vernacular and materials/request use of knapped flint;
- Loss of open space previously proposed;
- Height, bulk and mass of buildings;
- Harm to Green Belt and its openness;
- Inadequate buffer to ancient woodland;
- Harm to existing infrastructure;
- Overlooking and loss of privacy;
- Inadequate parking/overflow parking;
- Harm to highway safety, including to children and pedestrians;
- Inadequate access/over-run area/creation of crossroads;
- Increase in traffic, noise and pollution;
- Loss of village bus route;
- Harm to trees and hedges, deciduous planting would fail to screen development;
- Impact on nature conservation;
- Contaminated land/lack of remediation strategy/demolition and construction impacts;
- Cumulative impact of other development, including Fort Halstead;
- Incorrect certificate served.

Chief Planning Officer's Appraisal

Principal issues

32 The main issues requiring assessment relate to:

- the principal of redevelopment of the site, including the principle of development in the Green Belt and the effect of the proposal on its openness;
- the loss of the former employment use in the context of the adopted Development Plan;
- the proposed housing density, housing type and size and provision of affordable housing;
- design and layout and impact on the character of the area;
- local residential amenity;
- highways and parking;
- ecology;
- trees and landscaping;
- other matters, including land contamination and infrastructure provision.

33 Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development:

34 Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

35 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Green Belt considerations:

36 Having established that the site is within the Green Belt we must consider both our own Development Plan Policy and the NPPF.

37 As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

38 Para 88 of the NPPF advises that local planning authorities should give substantial weight to any harm to the Green Belt. Very special circumstances 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.

39 Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

Agenda Item 4.2

- 40 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Appraisal

Principle of development, including in the Green Belt:

- 41 The majority of the site is located within the village settlement of Halstead (outside of the Green Belt) and was allocated for residential development in February 2015 under policy H1 of the Allocations and Development Management Plan (ADMP). A strip of land at the north-west side of the site is located within the Green Belt and although forming part of the site identified for the purposes of policy H1 it is excluded from the residential allocation. It is therefore necessary to consider the principle of development of the parcel of land outside of the Green Belt and the principle of development of the parcel of land within it.
- 42 The principle of residential development on the larger parcel of land, not within the Green Belt is established as acceptable by policy H1 and the site specific development guidance in Appendix 3 of the ADMP. This identifies that this parcel of the land has an approximate net capacity of 25 units. An assessment of the quantum, layout and mix of housing will be made later in the report.
- 43 The principle of development on the strip of land within the Green Belt is not established by policy H1. The development guidance appended to policy H1 of the ADMP states that a buffer of woodland is required to protect and extend Deerleap Wood to the rear of the site, although does not specify what form this buffer should take or how it should appear.
- 44 In this respect, current Government advice, in the form of the NPPF is relevant. This states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of circumstances. Paragraph 89 of the NPPF states that exceptions to inappropriate development include *'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.'*
- 45 The whole site, including that part within the Green Belt complies with the definition of previously developed land, otherwise known as brownfield land, as set out in Annex 2 of the NPPF. Therefore, whilst residential development across the whole site is not endorsed by policy H1, the advice in the NPPF is a material consideration and has to be considered alongside the requirements of the Development Plan and specifically the development guidance pursuant to policy H1.
- 46 Subject to the redevelopment of the smaller parcel of land not having a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, then the residential development of this part of the site is also acceptable in principle.

Agenda Item 4.2

Impact on openness:

- 47 The NPPF makes clear that the essential characteristics of the Green Belt are their openness and permanence. Openness is not reliant upon degree of visibility but upon an absence of built development. The purpose of the Green Belt is also to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Paragraph 81 states that *‘once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt’*. This includes through improving damaged and derelict land.
- 48 Policy L08 of the Council’s Core Strategy applies and states that the extent of the Green Belt will be maintained. The policy also 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. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.
- 49 Section 7 of the Development in the Green Belt SPD is also relevant to proposals for previously developed land and states that the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green Belt. The Council would generally expect proposals to:
- Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*
- a) *Not exceed the height of the existing buildings; and*
b) *Not occupy a larger area of the site than the existing buildings.*
- 50 The SPD states that the most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the footprint). This does not however override the first criterion (a) relating to impact on openness which is not limited to footprint, but to the three-dimensional impact of built form, including building volume and height. It is necessary to assess whether any of these elements, either individually or combined, would result in unacceptable harm to the openness of the Green Belt. The character and dispersal of the proposed redevelopment will also need to be considered.
- 51 The footprint of existing buildings within the Green Belt is 942sqm. The proposed development would have a footprint of 652.7sqm resulting in a reduction in built footprint of 30.7% and therefore complying with criteria (c) above. On footprint alone the development would not be harmful to openness.
- 52 With regard to volume, the proposed development would result in a material increase of built volume of 21% (from 3133cu m to 3796.5cu m). With regard to height and size, the existing buildings comprise a line of single storey structures varying between 3-5m in height. They are located

directly adjacent to the boundary with the woodland. The five two-storey dwellings proposed would be higher (8.39-8.7m) and appear larger in terms of bulk and mass, albeit the bulk of the roofs would be tempered by the hipped roof forms. The increase in volume, height and bulk of the built form would result in an inevitable reduction in openness. However, the proposed layout would see the existing consolidated built form pulled away from the boundaries, including the woodland edge by between 15-20m thereby reducing the existing encroachment of the site towards Dearleap Wood. The replacement buildings would be more loosely located closer to (and lower than) the proposed higher density development within the site to better reflect the rural setting. The buildings would also incorporate generous gaps of between 6-12m to allow currently non-existent views between the buildings towards the woodland, including importantly from the access road into the site.

- 53 I conclude that the substantial reduction in footprint combined with the appropriate re-siting of the built form away from the woodland would result in the development having no greater impact on the openness of this part of the site which is read in the context of the wider village settlement. It would also result in the restoration of derelict land in the Green Belt in accordance with the NPPF. It is recommended that permitted development rights for extensions and outbuildings be removed by condition. In my view the associated reduction in hardstanding (and existing uncontrolled vehicle parking and storage) by 72% would further mitigate any perceived or actual harm to this previously developed site. Wider views are limited such that the development would not be visually intrusive.

Housing density:

- 54 Whilst the proposal seeks a higher number of dwellings (29) than referred to in policy H1 (25), this figure is indicative of the site capacity only and does not include the parcel of land located within the Green Belt. The provision of 29 dwellings would result in an overall density of 26 dwellings per hectare (dph) across the site. Subject to consideration of layout the proposed density is in broad compliance with policy SP7 of the Core Strategy, which expects residential development in settlements such as Halstead to achieve a density of 30dph. The proposal represents a reduction in dwelling numbers and density from the previous withdrawn application.

Design and impact on character of area:

- 55 Paragraph 56 of 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'*. 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. Policy EN1 of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

Agenda Item 4.2

- 56 The site is located towards the southern end of the village. The site entrance is located between a detached chalet bungalow to the south and a substantial 2.5 storey detached dwelling to the north. There are a mix of detached chalet bungalows and 2-storey dwellings (including those in the small estate of Kilnwood) on the opposite side of Knockholt Road. The character is predominantly residential and although the predominant building form fronting Knockholt Road is detached dwellings, there are examples of higher density more urban terraced development further north. The surrounding architecture is mixed, with a variety of red brick, render and tile-hanging under plain red/brown tile roofs.
- 57 The development site is self-contained, with limited views from Knockholt Road. It is not read in the context of an established street scene. The development therefore seeks to create its own sense of place that also acknowledges the character of the wider village. The layout responds to the surroundings by incorporating a 15-20m buffer and lower density development between the woodland and largest dwellings and by utilising rear gardens as a buffer to the countryside to the south. The layout also facilitates views from within the development towards the woodland beyond.
- 58 The proposed dwellings would be 2-storey in height. The buildings closest to Deer Leap Stud Farm would be lowest at 7.6 metres (equivalent to the height of the 2-storey garage attached to Deerleap). The majority of other dwellings would be approximately 8-9 metres in height comprising a mix of detached and semi-detached houses. The development would also feature single storey garages. The layout avoids blank facades on prominent corners and whilst I am satisfied that the development would create a safe environment it is recommended that details of crime prevention measures be secured by condition.
- 59 The buildings would incorporate a variety of design features including gables, bay windows and porches to articulate and add interest to the development. The buildings would also incorporate design details including pentice boards and exposed rafter feet. The use of high quality brick, render and tile hanging would further ensure the development reflects the materials found in the village. I am satisfied that the provision of appropriate sized photovoltaic panels to rear roof slopes would not detract from the visual integrity of the development.
- 60 The proposals are consistent with a number of guidelines contained within the Halstead Village Statement. Specifically the proposals include the imaginative use of design details and avoid standard estate design by adopting a mixture of designs to provide a range of house sizes. The development also incorporates off-street parking and garages sited behind the front wall of houses. The development does not include proposals for street lighting.
- 61 In summary, I consider the proposals would significantly enhance the appearance of the site and be compatible with the broad scale, height, density and site coverage of other developments in the village. The development is well designed and through the use of traditional materials

and appropriate landscaping would respond to the specific site constraints and be sympathetic to the rural character of the area in accordance with relevant policy.

- 62 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). Halstead lies within the Knockholt and Halstead Downs Landscape Character Area (LCA), part of the Wooded Downs Landscape Type within the Sevenoaks Countryside Character Area Assessment. The area is described as a downland landscape with a gently undulating topography, with some steep valley slopes. The main land use is agricultural, with plenty of horseculture and many small woodlands. The area has a varied field pattern, with rough grassland used as paddocks on the steep valley slopes, with larger arable fields on flatter ground. The core of villages comprise small historic properties, with large 20th century housing developments on the outskirts. The frequent tree cover in the small woods ensures that visibility is low, with views generally well-enclosed by topography and vegetation.
- 63 The LVIA provides an analysis of the development from various viewpoints. By reason of the distance of the site from Knockholt Road and Halstead Lane and the existence of intervening screening, the development would not be visible in the majority of long or middle distance views. The development site would also be barely discernible from the Public Rights of Way to the north and south east of the site. Where it would be visible, the magnitude of change would be negligible.
- 64 The LVIA concludes that the redevelopment of the existing poor quality commercial site with a low density scheme of appropriate scale and design (and including appropriate landscaping) would have a minor to moderate beneficial effect on the character of the site, the character of the wider LCA and the settlement character of Halstead.
- 65 I am satisfied that the development has been designed to minimise landscape and visual effects and subject to conditions to secure details of site levels (which should follow the existing contours of the site), materials, external lighting and landscaping, the proposals would ensure a sensitive transition between the development and the surrounding landscape setting.

Housing size and type:

- 66 Policy SP5 of the Core Strategy seeks new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. The policy explicitly seeks the inclusion of small units (less than 3 bedrooms) in new development schemes in suitable locations to increase the proportion of smaller units in the District housing stock. However, the recently completed Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) is also relevant and identifies that the greatest need for housing in the District is for 2 and 3 bedroom properties with 3 bedroomed being the greatest need equating to 40-45% of the overall need.

Agenda Item 4.2

- 67 The proposed development would provide 29 dwellings, comprising 6 x two-bed, 15 x three-bed (52%), 6 x four-bed and 2 x five-bed homes. This would be a good mix appropriate to the area and to its housing needs in accordance with relevant planning policy and is supported by the planning policy officer.

Affordable housing:

- 68 The Core Strategy acknowledges that the need to provide affordable housing is important for two main reasons; firstly to enable people who cannot afford to rent or buy on the open market to live in a home that is suitable for their needs and that they can afford, and secondly to provide housing for people working in different aspects of the local economy, thus underpinning economic activity. The provision of affordable housing on this site in the form of affordable rented housing would comply with national and local planning policy and would contribute to the objective of creating mixed and balanced communities.
- 69 Policy SP3 of the Core Strategy requires 40% affordable housing for residential developments of 15 dwellings or more, subject to viability. In addition, of the 40% affordable housing, at least 65% of the units should be social rented. The Affordable Housing SPD advises that a mix of dwelling tenure, type and size must be incorporated which reflect the site's characteristics and the development as a whole.
- 70 An important material consideration is the guidance relating to vacant building credit within the Planning Practice Guidance. This confirms that national policy provides an incentive for brownfield development on sites containing vacant buildings and where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floor space.
- 71 In this case the existing buildings were vacant upon submission of the application and the proposals would result in a 13% net increase in floor space. Accordingly, the proposals are required to deliver 1.5 affordable units. Following negotiation with a registered provider, it is proposed to provide 2 x 2-bedroom units for affordable rent. The units would be located adjacent to an identical pair of semi-detached dwellings and be designed in such a way as to be indistinguishable from the open market housing.
- 72 Although the provision of both dwellings for affordable rent does not reflect the 65:35 split referred to in policy SP3, this is supported by Housing Policy Officers by reason of the local property values.
- 73 Subject to an appropriate S106 legal agreement to secure the provision of the affordable housing, including their being excluded from the voluntary Right to Buy and priority being given to households on the Sevenoaks District Housing Register with a demonstrable local connection to the immediate

area (Halstead and Knockholt Parishes), the development would comply with relevant national and local planning policy in this regard.

Residential amenity:

- 74 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. 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. Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light.
- 75 Immediately to the north east within the grounds of the adjacent Stud Farm are three large modern 2.5-storey detached residential properties. Two of the dwellings are situated with rear gardens backing directly onto the site; the third lies to the north of the access drive and is screened by intervening vegetation. Two further dwellings, Deer Leap Stud Farm and The Lodge are located to the north of the site. These are orientated towards the application site, albeit separated from it by a large area of shared amenity space.
- 76 No buildings are proposed adjacent to the boundary of one of the two adjacent properties (Ashdown). The existing buildings to the rear of this property would be demolished to make way for visitor parking and landscaping. The following assessment is based on the retention of the existing boundaries to the north and east of the site (some of which form the rear walls of buildings within Deer Leap Stud Farm). Although it is understood these are to be retained this is not shown on the submitted boundary plan and it is therefore recommended that further details relating to retention of the existing boundaries be subject to appropriate condition.
- 77 Plot 1 would be located adjacent to the rear boundary of the dwelling known as Deerleap. It would comprise a single storey garage and 2-storey dwelling (7.6 metres in height) located perpendicular to the existing 3.6m high breeze block wall. The built form would be offset from one of the first floor level bedroom windows of Dearleap and partially offset from another at a distance of approximately 13.5m to the side of the garage and 16.7m to the side of the house. The top 1.4m of the gable to the garage and the upper parts of the building beyond would be visible over the boundary wall and would alter the aspect from the windows in the upper rear elevations of these dwellings. The impact would however be tempered by the narrow plan form (5.6 metres deep) and the set back of the 2-storey element. There is no planning right to a pleasant view; however the development would not in my view result in an unacceptable sense of enclosure or harmful loss of outlook or light. I am also mindful that the bulk of the site is allocated for residential development and I have already concluded that the proposed scale is appropriate.

Agenda Item 4.2

- 78 The respective orientation combined with the existence of evergreen planting on this boundary would prevent any harmful overlooking from the first floor level; any views of Deerleap would be at an acute angle and restricted to the double garage and en-suite above and a small corner of their rear garden. It would not result in a material loss of privacy. The bulk of plots 1 and 2 would be orientated to direct views beyond Deerleap and its garden towards the space shared by Dear Leap Stud Farm and The Lodge. However, by reason of the set back, existing boundary treatment and vegetation I consider that any harm to the amenities of these occupiers would be limited. The upper level windows in plot 1 that would not be perpendicular to the boundary would be capable of being obscure glazed and fixed shut to safeguard privacy. It is recommended that permitted development rights relating to roof extensions to plots 1-8 adjacent to Deer Leap Stud Farm be removed by condition.
- 79 The only other dwelling adjacent to the site is Warren Court to the south east. This is a detached chalet bungalow located within a large plot and enclosed by mature screening to the boundaries. The rear gardens of plots 23-29 would abut the rear garden boundary of Warren Court at a distance in excess of 65m from the existing dwelling. The proposed buildings would be set on slightly lower ground than Warren Court and by reason of the separation distance would have an acceptable relationship. Nevertheless it is recommended that permitted development rights relating to roof extensions to the plots adjacent to Warren Court be removed by condition.
- 80 Plot 10 would be located near to the stables associated with the neighbouring stud farm, albeit the built form would be located between 9 and 11m from the boundary and would not result in an unacceptable relationship with this land. It is considered the proposed residential use of the site would be likely to result in less noise, disturbance and activity than its lawful commercial use.
- 81 Future occupiers of the proposed dwellings would benefit from well lit accommodation with good levels of outlook and privacy. All dwellings would also benefit from private gardens.
- 82 The objections related to impact on amenity from local residents are noted and specific impacts from the built form on individual properties have been assessed. Although the character of a residential use would be different to the existing commercial use of the site, and would have some effect upon some local residents, the intensity of the use and associated activity would be unlikely to be more harmful than the lawful use of the site. In summary, subject to conditions to secure obscure glazing as above there would be no material harm to the residential amenities of any properties to the north east in terms of loss of light, outlook, privacy or sense of enclosure. In this respect, I do not consider that the development would be in conflict with the NPPF or policy EN2 of the ADMP and that the impact of the proposal on residential amenity would be acceptable.

Highways and parking:

- 83 The NPPF sets out 12 core land-use planning principles that it states should underpin plan-making and decision-taking, including actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 84 Criteria d) of policy EN1 of the ADMP requires a satisfactory means of access for vehicles and pedestrians and for provision of adequate parking and refuse facilities. Criteria f) and g) also require the design and layout of spaces, including footways to be permeable and provide connectivity with neighbouring areas and to provide safe and secure environments. Criteria h) requires the design of new development to be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities.
- 85 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- Access and layout
- 86 The site is located in an edge of settlement location within walking distance of local amenities. A shop and primary school are located approximately 700m/9 minutes walk to the north. There is a bus stop immediately adjacent to the site access that offers a regular bus route to centres including Sevenoaks, Orpington and Tunbridge Wells. Whilst future occupiers would be likely to own a private car (census data demonstrates that the majority of existing households within the area have either 1 or 2 vehicles), they would not be wholly reliant on its use.
- 87 Existing vehicular access to the site is via a private access road from Knockholt Road. It is proposed to amend the access to provide a minor access road (suitable for a development of up to 50 dwellings) in line with KCCs Kent Design Guide. This would involve widening the access at the point of entry from the existing 3.9m to 4.8m and providing a 1.8m wide footway on the northern side. The creation of a pedestrian footway from within the site to the existing footway at the bus stop, combined with the installation of a new dropped kerb crossing to facilitate crossing to the eastern side of Knockholt Road would result in a continuous footway from the site into the centre of the village. This would be in accordance with the development guidance in policy H1 and subject to being secured by condition is supported by the Highways Authority. The proximity of the access to Kilnwood, an access road serving 7 dwellings opposite the site would not present any unacceptable highway safety concerns.
- 88 Subject to a condition to secure the alterations and necessary visibility splays, the use of this access for the proposed development would be in

Agenda Item 4.2

accordance with policy H1 and would not compromise highway safety. The incorporation of a dedicated footway would also encourage travel by non-car means; which in this village location presents a viable alternative for accessing local facilities.

- 89 The proposed layout comprises a cul-de-sac and would facilitate a low speed environment which would broadly comply with the recommendations of Kent Design and the NPPF which seeks to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones (areas that through their design give pedestrians priority over vehicles by restricting traffic speed, including high quality hard paving, a strong feeling of enclosure, minimal front gardens and highway tree planting). As requested by the Highways Authority it is recommended further details of the standard of the internal road layout be secured by condition. It has been demonstrated that each dwelling would benefit from an appropriate refuse collection point adjacent to the road.

- Parking

- 90 Resident parking would be provided as a mixture of on-plot spaces, frontage and courtyard parking. There would be a total of 63 external spaces, equating to an average of 1-2 spaces per 2-bed dwelling and 2 spaces per 3, 4 and 5-bed dwelling. There would be further garage parking for the larger units and 6 visitor bays throughout the site. The development would be capable of providing secure cycle parking for each dwelling. The Highways Authority support the proposed quantum of parking. Whilst some tandem parking is proposed, contrary to the requirement for provision of independently accessible spaces, the layout of the site, including reduced width access roads is such that overspill parking would be unlikely to occur or to lead to a highway safety issue on the adjacent public highway. The provision of some tandem parking is considered to strike an appropriate balance between providing for parking demand whilst also maintaining high quality public and private living environments.

- Servicing

- 91 The proposed residential use of the site would attract less HGV movements than the lawful commercial use. However, swept path analysis confirms that larger vehicles, including removal vans, refuse vehicles and fire appliances would be capable of accessing all parts of the development and entering and exiting the site in a forward gear. Larger vehicles would be required to utilise a slight over-run area at the site access; however an independent road safety audit has confirmed that this would be acceptable. In light of the small number of large vehicles anticipated (a single refuse vehicle would require access weekly), the size of the over-run area relative to the footpath, the fact that the over-run is necessary to accommodate the body of the vehicle (not the wheels) and the fact the proposals comply with the Kent Design Guide I find that the layout would be acceptable and not compromise highway safety.

- Trip generation

- 92 It has been established that this former commercial site is suitable for residential development. Whilst it is acknowledged that the site is now vacant, it has been active within the last two years and consideration of the traffic impact of the proposal needs to consider the additional traffic generated over and above that which could be lawfully generated by the uncontrolled commercial use, as opposed to the total generated from the new development in isolation. The fall-back position of the lawful use is a material consideration.
- 93 The Transport Assessment identifies the likely trip generation from the proposed development is expected to be 16 trips in the AM peak hour and 21 trips in the PM peak hour (with 179 two-way vehicular trips expected to be generated throughout the day). This compares with the potential generation of 42 trips in the AM peak hour and 38 trips in the PM peak hour (with potential for 415 two-way vehicular trips to be generated throughout the day) should the commercial uses be fully operational. Residential use of the site would also generate considerably less HGV movements.
- 94 In summary the proposed development would result in less trip generation than the lawful use and thereby have a lesser impact on the local highway network. Even accounting for the vacant use of the site, the proposed development would have a negligible impact on existing traffic flows on Knockholt Road. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case the cumulative impacts would not be severe.
- 95 Subject to appropriate conditions the development is capable of incorporating facilities for electric vehicle charging in accordance with policy T3 of the ADMP.
- 96 It is noted that a number of objections refer to the potential highways impacts of the development, however, these concerns are not supported by the technical advice provided in the Transport Assessment or by the Highways Authority which are consistent in their views that the development would not prejudice highways safety. The proposals would improve pedestrian access in the vicinity of the site.
- 97 In summary, the proposed development would generate less traffic movements than the lawful use and as a proportion of overall traffic on local roads would have a minimal impact on the operational capacity of the local highway network in accordance with relevant policy.

Trees and landscaping:

- 98 Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs. New landscaping and boundary treatment will be required in appropriate cases.

Agenda Item 4.2

- 99 It is relevant that the Inspector's Report to the ADMP recognised the need for an appropriate buffer between the site and the adjacent woodland stating that '*detailed consideration of the elements of any redevelopment proposal, including the buffer, can be addressed at the planning application stage*' (ADMP Inspectors Report 2014 paragraph 28). Accordingly, policy H1 of the ADMP states '*a buffer of woodland is required to protect and extend Deerleap wood to the rear of the site*'.
- 100 The proposed layout includes the creation of a 15-20m buffer adjacent to Deerleap Wood. The landscape plan confirms the buffer would incorporate native woodland understorey planting and wildflower grassland to form a graded woodland edge. Subject to the management of this buffer being secured by condition the proposals are considered to be an appropriate means of reinforcing the edge of Deerleap wood and would be in accordance with the Inspector's recommendations and the development guidance.
- 101 As existing there are limited trees and areas of soft landscaping within the site. The most notable tree of any amenity value is a Category B oak tree located near to the site entrance. This would be retained. A large overgrown and unmaintained tree belt comprising low quality Cypress trees near to the south eastern boundary would be removed. It is also proposed to remove a number of Sycamore specimens encroaching onto the site from Deerleap wood. A limited amount of selective pruning within the south-western corner of the site is also proposed. Trees and hedges on and adjacent to the site (including the large hedge adjacent to the access road) are capable of being retained. Details of appropriate protection measures and details of necessary pruning works would be sought via an Arboricultural Method Statement to be secured by condition.
- 102 A landscape masterplan has been produced to provide mitigation for the trees to be removed. As noted by the Tree Officer, the proposed development also offers the opportunity to significantly enhance the quantum and quality of soft landscaping on the site. A number of standalone specimen trees combined with structural and ornamental planting would be planted. The layout would also incorporate generous front gardens, enclosed by timber picket fences. Site boundaries would include timber post and rail fences to enhance the appearance and biodiversity value of the development and to help integrate it with its wider edge of settlement setting. Further details, including the requirement for a management plan, to include details for ongoing maintenance, would be sought by condition.

Impact on ecology and biodiversity:

- 103 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At a local level, policies SP11 of the Core

Strategy and GI2 of the ADMP state that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.

- 104 The site is not directly subject to any statutory or non-statutory ecological designations. All statutory and non-statutory ecological designations in the surrounding area are well separated from the site. The application is supported by a Phase 1 Ecology Appraisal. In recognition of the existing buildings and hardstanding, the site itself is identified as having negligible ecological value with little scope for protected species (including bats). A mature oak tree near to the entrance of the site and the woodland adjacent to the north western boundary are considered to be of moderate ecological value and will be retained and protected. Two areas of Japanese Knotweed, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were identified at the periphery of the woodland, including one area which lies directly adjacent to the site boundary.
- 105 The County Ecologist raises no objection subject to conditions requiring adoption of a precautionary approach (particularly throughout demolition and site clearance), protection of woodland and the eradication of the Japanese knotweed. Various biodiversity enhancements, including native planting, the creation of a graded and softer woodland edge to Deerleap Wood and provision of bird and bat boxes could be secured by condition. In summary, I am satisfied the proposals would conserve and enhance biodiversity in accordance with the National Planning Policy Framework, paragraph 99 of Government Circular (ODPM 06/2005), policies SP11 of the Core Strategy and EN1 and GI2 of the ADMP.

Flood risk, surface water drainage and utilities:

- 106 Section 10 of the NPPF relates to meeting the challenge of climate change and flooding. Paragraph 100 of the NPPF advises that, *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”*
- 107 Policy EN1 of the ADMP and SP2 of the Core Strategy are also relevant and requires the incorporation of sustainable drainage systems (SUDS) where practical together with arrangements to secure their long term maintenance.
- 108 The application is supported by a Flood Risk Assessment which confirms that the entire site lies within Flood Zone 1 which has a low probability of flooding (less than 1 in 1000 annual probability of river flooding in any year). There are no known watercourses or rivers in the vicinity of the site (the nearest main watercourse is Rover Darent 3km to the east). Notwithstanding this, there is anecdotal evidence of localised flooding on the site. This is understood to be a result of the existing extent of impermeable surfacing and the layout of buildings preventing flows from discharging from the site. The proposed development would decrease the impermeable area and volume of surface water run-off generated by the site thereby reducing the likelihood of surface water flooding post development.

Agenda Item 4.2

- 109 Due to the ground conditions not being suitable for the use of shallow infiltration drainage it is proposed to discharge surface water run-off from the site via deep bore soakaways discharging into the underlying chalk bedrock. The Local Lead Flood Authority raises no objection to the proposals subject to a condition requiring submission of a detailed surface water drainage scheme.
- 110 Thames Water confirms there are no objections relating to sewerage or water infrastructure capacity. In summary, I am satisfied that the proposals are well considered and would have no unacceptable impact on flooding, surface water drainage or utilities in accordance with relevant policies.

Land contamination:

- 111 Paragraph 109 of the NPPF states that, *“The planning system should contribute to and enhance the natural and local environment by (inter alia) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 112 The application is also supported by a Contaminated Land Assessment (Phase I Desk Study and Phase II Ground Investigation Report). The assessment identifies the existence of elevated concentrations of Chromium, Lead and Asbestos caused by the previous commercial operations on site and advises that further intrusive investigation is required due to the made ground and former landfill to determine appropriate schemes of remediation. As recommended by the Environmental Health Officer, further investigation and a remediation strategy (required prior to commencement) and validation report (required prior to first occupation) are to be secured by condition. It is also recommended that a construction management plan (to include, amongst other things, details for dust suppression) be secured by condition.

Infrastructure:

- 113 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District. The Council has produced the following list of infrastructure types that will be funded through CIL receipts (known as the Council’s Regulation 123 List) and includes infrastructure referred to by local residents in their consultation responses to this development proposal -

- Transport schemes other than site-specific access improvements;
- Flood defence schemes;
- Water quality schemes;
- Education;
- Health and social care facilities;
- Police and emergency services facilities;
- Community facilities;

- Communications infrastructure (beyond that directly secured by agreement between the developer)
- Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).

- 114 This development is CIL liable and a CIL contribution would be generated from the development, subject to any future applications for exemptions that may be applied for (in relation to social housing) which would be eligible to be used on schemes as listed above.
- 115 The CIL payment will be used to address concerns made in a number of representations at the increased pressure the development would place upon wider community infrastructure, including education and healthcare provision.
- 116 The developer will be required to enter into a planning obligation to secure the provision of affordable housing. This is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind, and as such meet the “tests” for Planning Obligations.
- 117 In accordance with policy EN1 of the ADMP details of how the development would incorporate infrastructure to meet modern communication and technology needs (including broadband, high speed internet cabling and digital TV cabling) can be secured by appropriate condition.

Conclusion

- 118 This is an allocated development site comprising previously developed brownfield land. The application also proposes appropriate redevelopment of previously developed land within the Green Belt. The redevelopment to provide 29 dwellings would make effective use of the land and add to housing stock locally and within the District. The number of units proposed, together with the type, size and layout of housing are considered to be acceptable and appropriate for this edge of village location. The development would provide the maximum provision of affordable housing.
- 119 The development would yield benefits in terms of enhanced landscaping and ecology and accessibility. The highways implications of the development have been fully assessed and are considered acceptable. There would be no unacceptable impacts on the amenities of neighbouring properties and no other issues that could not be addressed by appropriate conditions. Taking the above factors into account and for the reasons as set out above, the proposal is considered to comply with national and local planning policies.
- 120 Subject to the applicant entering into a S106 agreement to secure 2 units of affordable housing it is recommended that planning permission should be granted subject to necessary conditions.

Agenda Item 4.2

Background papers

Site and block plan

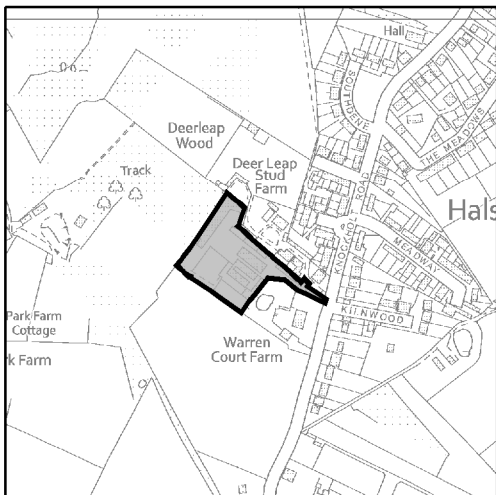
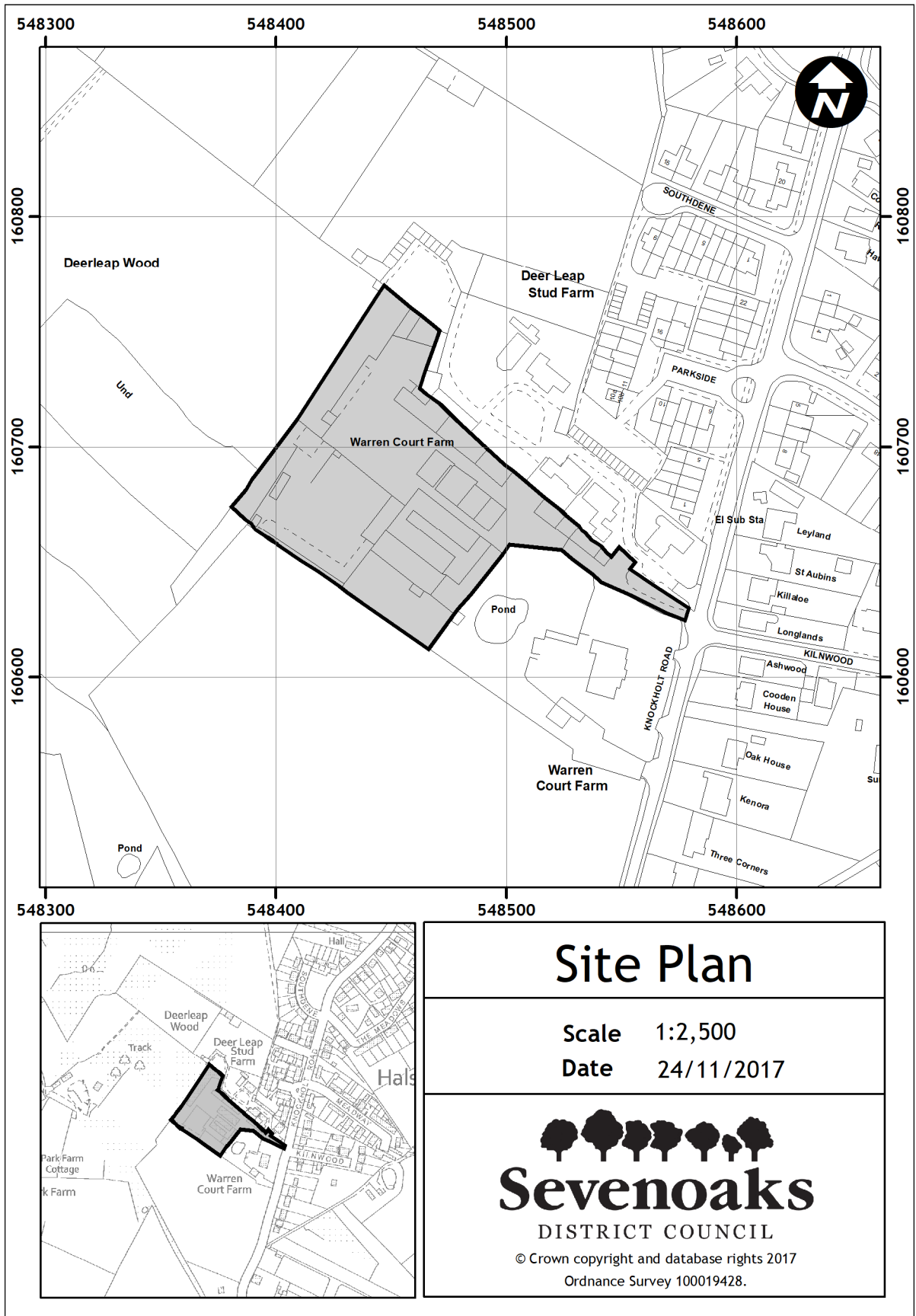
Contact Officer(s): Matthew Durling Extension: 7448

Richard Morris
Chief Planning Officer

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTLR9SBKIHK00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTLR9SBKIHK00>



Site Plan

Scale 1:2,500

Date 24/11/2017



DISTRICT COUNCIL

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Ordnance Survey 100019428.

Proposed Block Plan



F	19.04.17	Schema layout revised	ghm	M	21.07.17	Landscaped revised	AT
E	23.02.17	Site entrance geometry amended	ghm	L	12.07.17	Plus 10-13 boundary treatments amended	Q
D	16.12.16	Minor amendments to roof plans	AWJ	K	03.07.17	Minor amendments to roof plans	Q
C	07.12.16	Amendments to client comments	SGC	J	06.05.17	Minor amendments to roof plans	S
B	06.12.16	Layout amended	ghm	H	10.05.17	Site entrance geometry amended	Q
A	30.11.16	Layout amended	ghm	G	04.05.17	Schema layout revised	L

No.	Date	Amendment	Initials	No.	Date	Amendment	Init
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Client : **Generator (Warren Court) Ltd.**
 Project : **Warren Court, Halstead, Kent.**



4.3 - 17/03105/CONVAR Revised expiry date 15 December 2017

Proposal: Variation of condition 3 of 14/02458/FUL for levelling and extension of the existing reinforced grass track to provide overspill car parking; with amendment to allow use of the overspill car parking to accommodate displaced season ticket holders during the development of the multi storey car park, between 1st January 2018 and 30th June 2019, Monday to Friday 6am to 6.30pm.

Location: Sevenoaks Rugby Football Club, Plymouth Drive, Sevenoaks, Kent TN13 3RP

Ward(s): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application is referred to the Development Control Committee for the reason that the District Council is the applicant for the submitted scheme.

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

1) The additional car park hereby permitted shall only be used at times when sports events take place on the playing field (as shown within the blue line on the site location plan submitted with the application) and the use by season ticket holders from 1 January 2018 to 30 June 2019, Monday to Friday from 0600hrs to 1830hrs.

To restrict the function and use of the car park for purposes connected to outdoor sport and the temporary use as an overspill car park to maintain the functioning and openness of the green belt, in accordance with 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/65)

Agenda Item 4.3

4.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 updated of small scale issues which arose during the process of the application and was given time to address it.

Description of site

- 1 Sevenoaks Rugby Club is located adjacent to playing fields in close proximity to the town centre. The club house is sited within the built confines of Sevenoaks but the playing fields immediately next to the club house are within the Green Belt.
- 2 A large car parking area is available to the club, although it is shared with the tennis club to the west of the site.
- 3 Access to the club and car park is via Plymouth Drive, a residential road.
- 4 An area of land subject to this application was granted planning permission for use as an overspill parking area during sporting events. This car park is sited between two playing fields. A grasscrete style surfacing covers the parking area and provides vehicular access route between the car park and the Town Council pavilion building which is sited in a central position on the playing fields to the southwest of the site.

Description of proposal

- 5 This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to allow the variation or removal of a condition of a specific planning permission to facilitate the temporary use of the overspill car park to accommodate displaced season ticket holders during the development of a multi storey car park within Sevenoaks Town centre. It is proposed that season ticket holders will use this car park Monday to Friday, 0600hrs to 1830hrs only.
- 6 Currently condition three of planning permission 14/02458/FUL that states:

“The additional car park hereby permitted shall only be used at times when sports events take place on the playing field (as shown within the blue line on the site location plan submitted with the application). Measures to restrict access and use of the car park at all other times shall be submitted to and approved in writing by the Council and the approved measures shall

be installed on site prior to first use of the car park, and operated to restrict access thereafter.

Reason: To restrict the function and use of the car park for purposes connected to outdoor sport, to maintain the functioning and openness of the green belt, in accordance with the National Planning Policy Framework.”

Constraints

- 7 Metropolitan Green Belt
- 8 Area of Archaeological Potential

Policies

Sevenoaks Core Strategy:

- 9 Policies:
 - LO8 - The Countryside and the Rural Economy
 - SP1 - Design of New Development and Conservation

ADMP:

- 10 Policies
 - EN1 - Design Principles,
 - EN2 - Amenity Protection
 - T2 - Vehicle Parking

Other

- 11 National Planning Policy Framework
- 12 National Planning Policy Guidance

Relevant planning history

- 13 14/02458/FUL - Levelling and extension of the existing reinforced grass track to provide overspill car parking; extension of clubhouse balcony to provide additional viewing space and improved disabled access - GRANTED

Consultations

Sevenoaks Town Council

- 14 Declined to comment

Sports England

- 15 No objection.

Agenda Item 4.3

KCC Highways

- 16 No objection is raised providing the additional parking hours proposed is used by season ticket holders only.

Representations

- 17 1 representation of support
- 18 7 representations received objecting on the following grounds:
- Increased congestion;
 - Compromise road safety;
 - Deteriorate road surfacing;
 - Increase noise and air pollution.

Chief Planning Officer's appraisal

Background

- 19 Planning permission SE/14/02458/FUL allowed for the creation of a car park and to provide covered and uncovered facilities for spectators.
- 20 The proposed alterations to the clubhouse and creation of an overspill car park have been completed in accordance with the planning permission. The justification for the need of the development was to overcome on-street parking issues within the locality that arose on match days at the weekend.

Principle Issues

- 21 This report will discuss relevant material considerations that apply to the proposed variation.
- 22 The main issues with regard to this application are as follows:
- Impact upon the Green Belt and visual amenities of the area
 - Impact upon the residential amenity
 - Highway issues.

Impact upon the Green Belt and visual amenities of the area

- 23 Current Government advice, in the form of the NPPF, supports the protection of the Green Belt and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that 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.

- 24 The NPPF states that certain other forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 25 With regard to the car park, no further operational development is required. Therefore, an assessment needs to be made in relation to its intensification of use.
- 26 It is acknowledged that this site is within the Green Belt. The car parking area provides 44 parking spaces within a very small recessed area between playing fields and provides access to the existing Town Council amenity building. The car park provides a facility for users of the playing fields in the form of additional parking to cater for the significant levels of participants and spectators at weekends. The use is in connection with outdoor sport, which is acceptable within the National Planning Policy Framework in Green Belts.
- 27 The impact of the existing car park on the openness of the Green Belt is minimal, due to its small size in relation to the playing fields. The use of a grasscrete surface maintains an appropriate appearance. However, the greatest impact on openness is at times when the car park is used. This is at weekends when demand for parking in relation to the sports activities is at its greatest.
- 28 By allowing further use of the car park for displaced season ticket holders, it is acknowledged that further harm would be caused to the openness of the Green Belt through the intensification of its use. However, this is a transient one by virtue of limited time period proposed of this specific and additional parking. Furthermore, it is acknowledged that the use of this area for parking has been accepted by the original 2014 permission. The justification advanced for the additional need to supply further car parking provision nearby to Sevenoaks Town Centre is due to the displacement of existing season ticket holders during the 'Buckhurst 2' development permitted by planning reference 17/02149/FUL.
- 29 It is acknowledged that the proposed use by virtue of the variation of the condition is a temporary one and that once the 18-month time period lapses, the use of the site will return to its current state. As such, whilst harm to the openness of the Green Belt has been identified, by allowing the variation, it assists the economic functioning of Sevenoaks Town Centre. This is a significant material consideration that is in the public interest and outweighs the temporary harm to the Green Belt in this instance.

Highways

- 30 Policy T2 of the ADMP states that parking provision for non-residential developments should be made in accordance with advice from Kent Highways. However, notwithstanding this, we may take account of specific

Agenda Item 4.3

local circumstances taking into account matters such as local parking problems.

- 31 The proposed temporary car park use would provide parking for some of those vehicles displaced from the Buckhurst 2 car park during the course of the site's redevelopment.
- 32 The benefit of using this existing car park is that it provides relief when 285 car parking spaces are temporarily lost, when the Buckhurst car park is under construction. The 44 additional spaces provided would contribute to the continued parking for permit holders displaced from the town centre. The site is within approximately. 11 minutes walking distance to the Town Centre.
- 33 The additional 44 spaces, on this site allows for a combined total (includes Morewood Close, The Vine 'waste' site) of 177 spaces available for displaced season ticket holders. The Council's Parking Team would control parking within the site. Any parking that takes place outside of the application site area would be subject to the existing controls that apply to the area.
- 34 With additional 44 spaces being made available, the existing road network would experience approximately an additional 88 vehicle movements per day. KCC Highways has considered this application and has raised no objection to this proposal and its effect on the road network. Concerns raised by third parties have been considered including the intensification of use coinciding with other road users dropping off/collecting school children at Lady Boswell's Primary School, but this would be limited to specific times of the day between 0830-0900hrs and 1515-1545hrs during school term time only. Upon considering this, the additional increase of 44 movements (as a maximum) within the locality of Plymouth Drive is not so significant to justify a reason to object especially when no objection has been raised by KCC Highways.

Residential amenity

- 35 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. Policy EN2 of the ADMP requires that any proposed development should not have an adverse impact on the amenities of neighbours and ensures a satisfactory environment for future occupants.
- 36 The temporary car park would continue to be at ground level only and so no overlooking, visual intrusion or unacceptable loss of privacy would occur.
- 37 The intensification of use of the car park would take place well away from surrounding properties - the nearest property would be plot 4 of a new development that is under construction at present. This uncompleted residential unit is located approximately 35m to the north west of the car park and is sited at a lower ground level. This unit is expected to be completed during the temporary operation of the car park.

- 38 Additional traffic/vehicle movement generated by displaced season ticket holders, would be via the existing car park serving the Rugby Football Club and Tennis Club. This car park is self-regulated; however, there is no control to stop vehicles moving around in this area at any time, that causes noise. This is an existing situation. The variation of the condition would not allow the car park to be used as a public car park, whereby the movement of vehicular traffic is at a higher frequency as opposed to this parking area used for a specific purpose and is controlled. As such, it's not considered that the existing residential amenity of nearby residential properties would be unduly impacted by this proposal. The proposal complies with Policy EN2 of the ADMP.

Other Issues

- 39 The site is within an Area of Archaeological Potential, Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.
- 40 The proposed temporary car park requires no intervention into the ground and therefore the proposal would have no impact on the Area of Archaeological Potential in accordance with policy EN4 of the ADMP.

Conclusion

- 41 It is recommended that condition three should be varied.
- 42 The public interest/benefit in supporting the economic development of the Town Centre by the allowing this proposal is a material consideration and significantly outweighs the limited harm to the openness of the Green Belt. No other harm can be identified to justify a reason to refuse this application, which is compliant with Development Plan policies.

Recommendation

- 43 That planning permission is granted

Background papers

Site and block plan

Contact Officer(s): Sean Mitchell Extension: 7349

Richard Morris
Chief Planning Officer

Agenda Item 4.3

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OX1SXYBK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX1SXYBK0LO00>

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4.4 - 17/01628/FUL

Revised expiry date 15 December 2017

Proposal: Proposed demolition of existing building. Erection of new three storey building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space. Provision of rear undercroft car/cycle and motorcycle parking.

Location: 11 - 13 High Street, Swanley, Kent BR8 8AE

Ward(s): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This application is referred to Development Control Committee by Councillors Clare Barnes and John Barnes to consider the highways and parking related impacts of the development in accordance with policy T2 of the Allocations and Development Management Plan (2015).

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) The development hereby permitted shall be carried out in accordance with the following approved plans: SLP.01, S.02, PL.01/D; 02/B; 03/B; 04/C; 05/A; 11; 12/B; 21/C; 22/C.

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

3) No development shall be carried out on the land until:

a) Intrusive investigations have taken place to establish the existence of soil contamination and any other potential contamination and / or landfill gas in accordance with the recommendations within the hereby approved Stage 1: Desktop Study and Risk Assessment Report (by Your Environment, ref. YE3108 Revision 1, May 2017); and

b) The investigation methodology together with any proposed remedial measures and a timetable for the works have been submitted to and approved in writing by the local planning authority. Site investigation and remediation design shall be undertaken by an appropriately qualified environmental specialist. They will need to demonstrate and state that the site is capable of being remediated to make it suitable for its intended use. For the purposes of this condition, an "appropriately qualified environment specialist" is a person who has a recognised qualification and / or appropriate experience in environmental chemistry and risk assessment. This will be the person(s) who has designed and specified the

remediation works, unless otherwise agreed in writing by the local planning authority. No development shall be carried out otherwise than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met. No development shall take place other than in accordance with the approved details.

In the interests of pollution prevention and to protect public health in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with policy SC1 of the Core Strategy and paragraphs 120 and 121 of the National Planning Policy Framework.

6) No development shall be carried out on the land until 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 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. Discharge rates shall be restricted to 50% of the peak brownfield discharge rate unless otherwise agreed in consultation with the Lead Local Flood Authority and Thames Water. No development shall take place other than in accordance with the approved details. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission

should not be granted.

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 in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Details shall include:

- i) a timetable for its implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

8) No development shall take place until a noise assessment and characterisation for the potential noise impact on the residential units, together with details of necessary mitigation measures have been submitted to and approved in writing by the local planning authority. The noise assessment shall be carried out in accordance with the requirements of BS4142:2014. The mitigation measures shall include details of acoustic ventilation and glazing required to protect the approved bedrooms, living rooms and balconies from noise and vibration in accordance with the requirements of BS8233:2014 and the strategy set out in the Environmental Noise Assessment by Idom Merebrook (reference ENA-19502-16-101 REV A, dated June 2017). The approved protection measures shall be completed in accordance with the approved details prior to the first occupation of the relevant residential unit and maintained thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to provide an acceptable standard of residential accommodation in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

9) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details.

Agenda Item 4.4

The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

- 10) No development shall be carried out on the land until a demolition and construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include:
- a. Details of the proposed working hours
 - b. Details of locations of vehicle parking for site operatives and visitors
 - c. Details of an area for the storage of plant and materials
 - d. A site waste management plan.
 - e. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
 - f. Details of the measures to mitigate the noise and vibration from construction
 - g. Details of a surface water drainage scheme for the temporary drainage of the Site.

The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Severnoaks Allocations and Development Management Plan.

- 11) No development shall be carried out on the land until a scheme to provide utilities connections to the dwellings hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby approved. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Allocations and Development Management Plan.

- 12) No development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the local planning authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units hereby approved and shall be retained thereafter. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the creation of a safe and secure environment in accordance with policy

EN1 of the Allocations and Development Management Plan.

13) No development shall be carried out on the land until details, including samples as appropriate, 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 local planning authority. The development shall be carried out using the approved materials. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Allocations and Development Management Plan.

14) No development shall be carried out on the land until details of the green wall on the east (side) elevation of the hereby approved building has been submitted to and approved in writing by the local planning authority. The details shall include: method of installation, management and maintenance. The green wall shall be installed prior to the first occupation of the building and thereafter maintained and managed in accordance with the approved details. Any part of the green wall which is removed, die, becomes severely damaged or diseased within ten years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Allocations and Development Management Plan.

15) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and GI1 of the Allocations and Development Management Plan.

16) The car parking spaces and turning areas as shown on the hereby approved plan PL.01/D shall be provided prior to first occupation of the building and kept available for such use at all times. No development shall be carried out on that area of land or to preclude vehicular access thereto. The car parking spaces shall be for the use of occupiers and visitors to the building only and shall not be reserved for specific individuals, companies or organisations. The Local Planning

Agenda Item 4.4

Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

17) No development shall be carried out on the land until details for the installation of an electric vehicle charging point showing its proposed location, type and specification have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and shall be retained and maintained for use at all times. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Allocations and Development Management Plan.

18) No development shall be carried out on the land until full details of the secure cycle storage shown on the hereby approved drawing PL.01/D has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

19) The refuse and recycling storage as shown on the hereby approved plan PL.01/D shall be provided in accordance with the details so approved prior to the first occupation of any part of the development and retained as such thereafter.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

20) The commercial units hereby approved shall be used as Class A1 retail and for no other use.

In recognition of the location of the site within a protected retail frontage in the town centre and pursuant to policy L05 of the Sevenoaks Core Strategy and policy TLC2 of the Sevenoaks Allocations and Development Plan.

21) Prior to the first occupation of any of the hereby approved residential units a final Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include the appointment of a Travel Plan co-ordinator, targets for non-car modes of travel and details of the arrangements for promotion of the Travel Plan. The Travel Plan shall be implemented in accordance with the details so approved and monitored at yearly intervals and the results, including an annual report, together with any amendments to the Travel

Plan, shall be submitted to the local planning authority.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

Informatives

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

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

Description of proposal

- 1 Proposed demolition of existing building. Erection of new three storey building to provide A1 Retail at part ground floor and C3 residential

Agenda Item 4.4

accommodation 11 units at ground to second floor with a 12th unit in attic floor space. Provision of rear undercroft car/cycle and motorcycle parking.

Description of site

- 2 The site comprises a rectangular plot of less than 0.5 hectares located on the north-eastern side of High Street within Swanley town centre. The existing building comprises two storeys with a pitched roof of traditional brick and tile construction. The ground floor retail use is partly located within a single storey flat roofed extension to the front of the building. There are a number of small employment units and an open yard located to the rear of the site which are accessed via a single track access located to the west of the site. Beyond lies the Grove Industrial Estate and railway. Buildings to the east of the application site comprise a three-storey Victorian terrace and to the west a pair of two storey semi-detached buildings with single storey projections that mirror the building to be demolished.
- 3 The site lies within a designated secondary retail frontage and is surrounded by a mix of commercial uses at ground floor with residential above.

Constraints

- 4 Swanley Town Centre
- 5 Secondary Shopping Frontage
- 6 Air Quality Management Area

Policies

Allocations and Development Management (ADMP):

- 7 Policies:
 - SC1 - Presumption in Favour of Sustainable Development
 - EN1 - Design Principles,
 - EN2 - Amenity Protection
 - TLC2 - Swanley Town Centre
 - EMP5 - Non Allocated Employment Sites
 - GI1 - Green Infrastructure and New Development
 - T1 - Mitigating Travel Impact
 - T2 - Vehicle Parking
 - T3 - Provision of Electrical Vehicle Charging Points

Core Strategy (CS):

- 8 Policies:
 - LO1 - Distribution of Development
 - LO4 - Development in Swanley
 - LO5 - Swanley Town Centre
 - SP1 - Design of New Development and Conservation

- SP2 - Sustainable Development
- SP3 - Provision of Affordable Housing
- SP5 - Housing Size and Type
- SP7 - Density of Housing Development
- SP8 - Economic Development and Land for Business
- SP10 - Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 - Biodiversity

Other

- 9 National Planning Policy (NPPF)
- 10 Planning Policy Guidance
- 11 Affordable Housing SPD

Relevant planning history

- 12 16/03467/PAC: Prior notification for a change of use from Office use (Class B1(a)) to a Dwellinghouse (Class C3). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015. Agreed 06/01/2017

15/00869/CONVAR: Variation of condition 2 ,3 and 5 of SE/14/01646/FUL to change of office use to residential C3, erection of rear extensions to first and second floors with Juliet balconies to the rear first and second floors, extensions to two front dormers, additions of two rear dormers and alterations to provide 4 flats above existing commercial use to white PPC Aluminium windows, front dormers to be retained and upgraded and dustbin provision as per drawing 07 and 08. GRANT 27/05/2015

14/01646/FUL: Change of office use to residential C3, erection of rear extensions to first and second floors with Juliet balconies to the rear first and second floors, extensions to two front dormers, additions of two rear dormers and alterations to provide 4 flats above existing commercial use. GRANT 31/07/2014

91/01805/HIST: First floor rear extension. GRANT 06/01/1992

Consultations

Swanley Town Council:

- 13 Objection - Generally in favour of redevelopment in the area but object due to insufficient parking in the immediate vicinity.

KCC Highways Authority: (summary)

- 14 No objection. This is a town centre location within close proximity to local services, shopping, schools etc. together with a reasonable number of bus services available nearby and the railway station. The current KCC Parking Standards for both the commercial and residential elements of this application (SPG4 and IGN3 respectively) are both maxima and take into

Agenda Item 4.4

account the proximity of those services and public transport availability. There are sufficient public parking opportunities in the area and restrictions in place to help prevent inappropriate on-street parking. I therefore consider that the parking provided is sufficient for these uses although a condition should be applied to keep the parking spaces unallocated to specific units and remain for parking in the future.

KCC Local Lead Flood Authority: (summary)

- 15 No objection. Recommend conditions to secure details relating to the implementation, maintenance and management of a sustainable surface water drainage scheme.

KCC Ecology: (summary)

- 16 Absence of ecological survey.

Kent Crime Prevention Design Advisor: (summary)

- 17 Recommend condition requiring further details relating to crime prevention.

Thames Water: (summary)

- 18 No objection in relation to waste or water infrastructure capacity. Recommend conditions relating to piling.

South East Coast Ambulance Service:

- 19 No objection.

SDC Environmental and Operational Services:

- 20 No objection.

SDC Environmental Health Officer:

- 21 Recommend conditions requiring further details of noise attenuation measures.

Representations

- 22 43 notification letters sent. Press and site notice displayed. The statutory consultation period ended on 16.11.2017. 1 objection/comment received, as summarised below:

- 23 Disruption to existing tenants and surrounding businesses.

Chief Planning Officer's Appraisal

Principal issues

- 24 The main issues requiring assessment relate to:

- the principal of redevelopment of the site, including change of use;
- design and impact on the character of the area;
- the proposed housing density, housing type and size
- provision of affordable housing;
- residential amenity;
- highways and parking;
- trees, ecology and biodiversity;
- flood risk, surface water drainage and utilities
- land contamination;
- infrastructure;
- conclusion and planning balance.

25 Of particular relevance to this application is the following guidance:

Presumption in favour of sustainable development:

- 26 Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 27 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

Principal of development:

- 28 As existing the site comprises a pair of two-storey semi-detached buildings in Class A1 retail use at ground floor and Class B1 office use above. The proposed development would include two retail units at ground floor and 12 self-contained residential units above. The site is located within the designated town centre, where for the purposes of policy L05 of the Core Strategy it is acknowledged there is significant scope for development to achieve regeneration objectives.
- 29 Specifically, policy L05 seeks to ensure any regeneration scheme for the town centre contains a mix of uses including retail, offices, residential and community facilities. The principal of mixed retail and residential uses in this location would therefore be acceptable and ensure the retention (and extension) of an active frontage in accordance with policy TLC2 of the ADMP. In recognition of the location of the site within a protected shopping frontage in the town centre it is recommended a condition be applied to restrict the use of the commercial units to Class A1 retail. The impact of the development on the tenants of the existing retail units is not a material planning consideration.
- 30 The proposals would involve the loss of existing Class B1 office floor space. Although currently vacant, policy SP8 of the Core Strategy and EMP5 of the

Agenda Item 4.4

ADMP seeks to protect lawful business premises. These policies state that we will only permit the loss of such premises if it can be demonstrated that the site has been unsuccessfully marketed for re-use in employment for a period of at least 6 months and that there is no reasonable prospect of their take up or continued use for business in the longer term.

- 31 The applicant states that the property has been vacant for some time (as was the case when the previous application was assessed in 2014) and that there are inherent physical shortcomings of the building, including in terms of low ceiling heights and small internal spaces. These reflect the original residential use of the building. Whilst they conclude this would severely restrict potential interest from a Class B1 user this has not been tested through marketing.
- 32 It is relevant, to this decision, the fact that the business floor space has been subject to various applications that would result in its change of use. This fall-back position is a material consideration and the weight to be attributed to it depends on the reasonable likelihood of the fall-back being exercised in the event the planning permission for redevelopment is unacceptable. This has to be considered on the balance of probability not possibility. The fall-back comprises the change of use of the business floor space to create a single residential unit. Whilst there is no evidence that the fall-back would be exercised, I consider it is unlikely given the location of the site within an area promoted for redevelopment and the length of time the building has been vacant, that the business floor space would be brought back into use.
- 33 In summary, the change of use of the site to provide retail and residential use would be acceptable.

Design and impact on character of the area

- 34 Paragraph 56 of 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’. 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. Policy EN1 of the ADMP state that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 35 The site is prominently located within the town centre and is highly visible in long, medium and short distance views, including from the junction with London Road north and the High Street. Its redevelopment represents an important opportunity to regenerate this part of the town. This part of the High Street is characterised by groups of Victorian semi-detached and terraced buildings of two and a half and three-storey height. The groups of buildings occupy consistent plot widths and building lines with strong roof lines. The predominant building materials are render and brick.

- 36 The site is located adjacent to a three-storey terrace, albeit separated by an access drive and in this context the erection of a three-storey, plus roof level building of comparable height and on the established building line is considered to be acceptable. The proposals include a substantial increase in building footprint; however, the introduction of additional built form to the rear would be consistent with the established pattern and grain of development elsewhere in this location. The proposal acknowledges the existence of the large scale industrial buildings to the rear. Although the development would include a substantial increase in bulk and scale, the rear element would be lower than, and appear subordinate to, the front element and it is considered that this quantum of built form is capable of being accommodated without harm to the wider townscape.
- 37 The building would be articulated through the use of projecting bays and window openings. The proposal to utilise planting and different colour renders would help to break up the visual mass of the building and respond to the different contexts to the front, side and rear of the site. The provision of shop front windows and the siting of the two entrance cores to the side of the building would provide additional surveillance in this area. As recommended by the Crime Prevention Design Advisor further details of crime prevention measures could be secured by condition.
- 38 In summary, the development would be of high quality design compatible with the size of other buildings in the locality in accordance with relevant planning policy.

Housing density, type and size

- 39 Policy SP7 of the Core Strategy confirms that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The supporting text to policy SP7 makes it clear that the overriding consideration is the design of the development rather than the achievement of the density figure. Paragraph 5.3.32 states that '*in all cases development will only be acceptable where schemes are well-designed and do not compromise the overall character of the area*'.
- 40 Whilst the proposed density of 25.5 dwellings per hectare (dph) would be below the density expectation of 75dph as set out in policy SP7, the development would make efficient use of the land having regard to the character and location of the area.
- 41 Policy SP5 of the Core Strategy requires new housing development to contribute to a mix of different housing types in residential areas taking into account the existing pattern of housing in the area, evidence of local need and site specific factors. The policy also seeks the inclusion of small units (less than 3 bedrooms) in new development schemes in suitable locations in order to boost the proportion of smaller units. The recently completed Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) is also relevant and identifies that the greatest need for housing in the District is for 2 and 3 bedroom properties. All of the residential units would be 2-bedroom flats, including a ground floor level wheelchair accessible

Agenda Item 4.4

unit. Whilst the proposal does not provide a mix of unit types or sizes, the location is not best suited to the provision of 3 bedroom family accommodation and in this context the provision of 2 bedroom flats would meet an identified need in accordance with policy SP5.

Affordable housing

- 42 The NPPF states that local planning authorities should set policies for meeting the identified need for affordable homes on site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 43 Policy SP3 of the Core Strategy requires the provision of 30% affordable homes for residential developments of 10-14 dwellings, subject to viability. The proposed development would deliver 12 private market units in the town centre. The applicant is not proposing any affordable housing nor a commuted sum towards off-site provision for reasons of viability. The application is therefore contrary to policy SP3.
- 44 The application is supported by a Financial Viability Report prepared by Rapleys. Independent viability consultants, Dixon Searle Partnership (DSP) have independently reviewed the financial viability of the development proposals on our behalf. DSP has undertaken a robust review of the scheme, which includes identifying whether any key revenue assumptions (e.g. sales values estimates) have been under-assessed or any key cost assumptions (e.g. build costs, fees) over-assessed as both of these effects can have an impact on viability outcomes. They agree with the applicant's methodology. The independent assessment concludes that the poor relationship between costs and values means that the development is not able to provide any affordable housing. This amounts to the exceptional circumstances permitted by policy SP3 and the proposals are therefore compliant in this regard.

Residential amenity

- 45 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. 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. Policy EN2 of the ADMP requires that any development should safeguard the amenities of existing and future occupiers of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the built form would not result in an unacceptable loss of privacy or light.
- 46 The application is supported by a comprehensive daylight and sunlight report which analyses the potential impact of the proposed development on the daylight and sunlight received to buildings surrounding the application site. The assessment identifies that the residential units at 9 High Street would not experience any loss of daylight or sunlight below the thresholds

set out in the Building Research Establishment (BRE) “Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice” (2011). Although there would be some loss of daylight to a single window in 15 High Street, this relates to a room adequately lit by another window.

- 47 The development would permit views at first and second floor level across the rear most part of adjacent sites to the east and west. These comprise hardstanding for storage and parking. Any views towards the rear elevations of neighbouring properties would be at such a distance and acute angle as to prevent any unreasonable overlooking or loss of privacy. The separation afforded by the access road to the west boundary and set back of the upper levels from the east boundary (which would be planted with a living wall) would mitigate any impact on outlook or enclosure.
- 48 In summary, there would be no material harm to the residential amenities of any neighbouring properties in terms of loss of light, outlook, privacy or sense of enclosure. Demolition and construction related impacts could be controlled via a Construction Management Plan. In this respect, I do not consider that the development would be in conflict with the NPPF or policy EN2 of the ADMP and that the impact of the proposal on residential amenity would be acceptable.
- 49 Policy EN2 of the ADMP also states that proposals will be permitted where they would provide adequate residential amenities for future occupiers of the development. Policy EN7 of the ADMP states that proposals for development should not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated. The Planning Practice Guidance also states that air quality and noise needs to be considered when new developments would be located where air quality is known to be poor and where sensitive to the prevailing acoustic environment.
- 50 Although we do not prescribe internal space standards in our planning policy, an indicative furniture layout has been provided for each residential unit which shows how the internal space could be configured and satisfactorily used for usual day to day activities. All flats would have dual aspect accommodation. 7 flats would have direct access to private amenity space in the form of a small courtyard (ground floor) or balconies. The development would provide for acceptable levels of outlook and privacy. Officers are satisfied that the development can accommodate necessary refuse and recycling storage within dedicated storage areas.
- 51 The application is also accompanied by a noise assessment. The assessment identifies that the front façade of the premises is severely affected by high levels of noise from road traffic. The recommended internal noise levels could only be achieved with acoustic mitigation and with the windows closed. This would necessitate the installation of mechanical ventilation to give future occupiers the option of keeping windows closed. Although no assessment of noise has been carried out for the rear and sides of the site, the Environmental Health Officer is satisfied that such assessments and details of mitigation could be required by appropriate conditions. It is noted that no such conditions were applied to the previous permission for 5 flats

Agenda Item 4.4

on the same site. The Environmental Health Officer has no adverse comments concerning air quality.

- 52 On this basis, I am satisfied that satisfactory living conditions for future occupiers are capable of being provided in accordance with relevant policies.

Highways and parking

- 53 The NPPF sets out 12 core land-use planning principles that it states should underpin plan-making and decision-taking, including actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 54 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health. Policy T2 relates to vehicle parking, including cycle parking and requires provision in accordance with advice from the Highway Authority. Policy T3 requires the provision of electrical vehicle charging infrastructure.
- 55 Vehicular access to the proposed development would be via the existing shared access to the side of the building. Swept path analysis demonstrates that a medium sized car is capable of accessing and exiting the proposed parking spaces (and access road) in a forward gear. Refuse and recycling storage would be located within 15m of the High Street and proposed collection arrangements are acceptable. Servicing of the retail units would be as per the existing arrangements on the High Street. This would be consistent with criteria (d) of policy EN1 which requires a satisfactory means of access for vehicles and pedestrians and for provision of adequate parking and refuse facilities.
- 56 The proposals include 4 off-street parking spaces (including one disabled bay). This would be consistent with criteria (h) of policy EN1 requiring the design of new development to be inclusive and where appropriate make satisfactory provision for the safe and easy access of those with disabilities. The parking provision would be consistent with the adopted standards set out in The Kent Design Guide Review: Interim Guidance Note 3 (20 November 2008). The standards refer to a maximum of one space for every flat located in a town centre. Although not applicable where a maximum standard exists, the Kent Design Guide also states that: *'Reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land.'*
- 57 In considering the parking provision, it is relevant to note the site is located in a highly sustainable location with good access to local amenities, including employment, shopping and recreation facilities. It is also well served by public transport, including by six eastbound and six westbound bus services accessed from the High Street. The site is also within walking distance of Swanley train station.

- 58 Whilst this does not necessarily mean that occupiers would choose not to have a car, the location of the site does not make car ownership essential to enable occupiers to carry out day to day activities.
- 59 Any cars owned by future occupiers that cannot be accommodated on the site would have to be accommodated within existing on-street parking in the vicinity.
- 60 Although no parking assessments have been submitted as part of this application (they are not required to validate a planning application and were not requested by the Highways Authority), it is relevant that the majority of residential streets to the north and east of the site include sections with no parking restrictions. Parking surveys carried out in March 2016 (submitted as part of U+I's planning application for redevelopment of the Swanley Centre), indicate that at 0700 on a typical weekday and weekend 20% (26 unrestricted spaces) of an approximate total of 77 were available within Lullingstone Avenue to the north. Similarly, of the 67 spaces within Kingswood Avenue and Willow Avenue to the east, 43% (29 unrestricted spaces) were available at 0700 on a weekday and 40% (27 unrestricted spaces) were available at 0700 on a weekend. The surveys indicate further availability within other roads within a 5 minute walk of the application site.
- 61 The assessments indicate that even in the worst case scenario of the development generating a requirement for a further 8 spaces (on the basis of applying the maximum standard of one space per flat), the evidence demonstrates these could be provided by existing on-street parking. Whilst such arrangements may result in inconvenience, both to future occupiers and to residents of surrounding streets, this does not equate to material harm to amenity to an extent that would warrant refusing permission.
- 62 There is no evidence that either existing demand, or greater demand for on-street parking within surrounding streets would lead to any harm to highway safety. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case my view is that the cumulative impacts would not be severe. The Highways Authority also raise no objection to the proposals.
- 63 To promote alternative modes of transport, the application is supported by a Framework Travel Plan. This is consistent with paragraphs 36 and 37 of the NPPF which refers to the importance of travel plans and for a balance of land uses within areas so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. Secure cycle parking would be provided in accordance with minimum standards. Subject to appropriate conditions the development is capable of incorporating facilities for electric vehicle charging in accordance with policy T3 of the ADMP.

Trees, ecology and biodiversity

Agenda Item 4.4

- 64 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At a local level, policies SP11 of the Core Strategy and GI2 of the ADMP state that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Policy EN1 of the ADMP requires the layout of new development to respect the topography of the site and to retain important features including trees, hedgerows and shrubs.
- 65 The site is not directly subject to any statutory or non-statutory ecological designations and there are no existing trees or soft landscaping. As noted by the County Ecologist no ecological scoping surveys have been undertaken. However, having considered Natural England's Standing Advice I consider it unlikely that the building would be used by bats. This is because the building is in a heavily urbanised area with few green spaces or suitable natural habitats and is near to active industrial premises. Externally the building appears to be in a sound structural condition with no cracks or crevices, hanging tiles or cladding. I am therefore satisfied that no ecological scoping survey is required.
- 66 In the context of the existing building and hardstanding, the proposals would increase the biodiversity value of the site, including through the provision of a planted/green wall on the west side elevation of the building. In summary, I am satisfied the proposals would enhance biodiversity in accordance with the National Planning Policy Framework, paragraph 99 of Government Circular (ODPM 06/2005), policies SP11 of the Core Strategy and EN1 and GI2 of the ADMP.

Flood risk, surface water drainage and utilities

- 67 Section 10 of the NPPF relates to meeting the challenge of climate change and flooding. Paragraph 100 of the NPPF advises that, *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."*
- 68 Policy EN1 of the ADMP and SP2 of the Core Strategy are also relevant and requires the incorporation of sustainable drainage systems (SUDS) where practical together with arrangements to secure their long term maintenance.
- 69 The application is supported by a Flood Risk Assessment which confirms that the entire site lies within Flood Zone 1 which has a low probability of flooding (less than 1 in 1000 annual probability of river flooding in any year). There are no known watercourses or rivers in the vicinity of the site. The Local Lead Flood Authority raises no objection to the proposals subject to a condition requiring submission of a detailed surface water drainage scheme. Thames

Water also confirm there are no objections relating to sewerage or water infrastructure capacity. In summary, I am satisfied that the proposals are would have no unacceptable impact on flooding, surface water drainage or utilities in accordance with relevant policies.

Agenda Item 4.4

Land contamination

- 70 Paragraph 109 of the NPPF states that, *“The planning system should contribute to and enhance the natural and local environment by (inter alia) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 71 The Environmental Health Officer recommends that an intrusive investigation, to include gas monitoring, and a remediation strategy (required prior to commencement) and validation report (required prior to first occupation) are to be secured by condition.

Infrastructure

- 72 Policy SP9 of the Core Strategy states that development should make provision for new infrastructure where necessary. However, the Community Infrastructure Levy (CIL) has now been introduced, which places a mandatory charge on new residential developments to be used to fund infrastructure projects within the District.
- 73 We have produced the following list of infrastructure types that will be funded through CIL receipts (known as the Regulation 123 List) and includes infrastructure referred to by local residents in their consultation responses to this development proposal -
- Transport schemes other than site-specific access improvements;
 - Flood defence schemes;
 - Water quality schemes;
 - Education;
 - Health and social care facilities;
 - Police and emergency services facilities;
 - Community facilities;
 - Communications infrastructure (beyond that directly secured by agreement between the developer)
 - Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).
- 74 This development is CIL liable and a CIL contribution would be generated from the development, which would be eligible to be used on schemes as listed above.
- 75 In accordance with policy EN1 of the ADMP details of how the development would incorporate infrastructure to meet modern communication and technology needs (including broadband, high speed internet cabling and digital TV cabling) can be secured by appropriate condition.

Conclusion and planning balance

- 76 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.
- 77 Paragraph 14 states that in terms of the decision-taking process this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.
- 78 As we cannot demonstrate a five year housing land supply in the context of the NPPF the ‘tilted balance’ in paragraph 14 is engaged. This means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole. There are no specific policies to indicate development should be restricted in this location. This ‘tilted balance’ is a material consideration.
- 79 In assessing the benefits, the proposals would contribute 12 residential units to the local housing market and the District’s wider housing supply. The density, type and size of the housing is considered to be acceptable and appropriate for this location. The lack of any affordable housing is regrettable but within the remit of relevant planning policy which allows for non-provision where not viable. The development would also increase footfall and directly and indirectly contribute to the local economy through introducing new residents into the town centre. These elements of the proposals would be consistent with the social and economic role of sustainable development and attract significant weight.
- 80 The development would also provide for improvements to the visual appearance and biodiversity value of the site thereby contributing to the environmental role of sustainable development. All of these factors weigh in favour of granting planning permission; however, they have to be considered against the potential harm arising from the development.
- 81 The potential harm is limited to the highways and parking implications of the development, which have been assessed and are considered acceptable in this accessible location. The impacts would not be severe and would not justify refusal of planning permission. There would be no unacceptable impacts on the amenities of neighbouring properties and no other issues that could not be addressed by appropriate conditions.
- 82 When assessed against the policies in the Framework taken as a whole, I consider that the development would simultaneously achieve the social, economic and environmental dimensions necessary to be considered as

(Item 4.4)

Agenda Item 4.4

sustainable development as defined and sought by the NPPF. The adverse impacts identified above would be limited and would not significantly and demonstrably outweigh the benefits of these proposals which benefit from the 'tilted balance' of paragraph 14 of the NPPF. Taking all of these factors into account I conclude that planning permission should be granted.

Contact Officer(s): Matthew Durling Extension: 7448

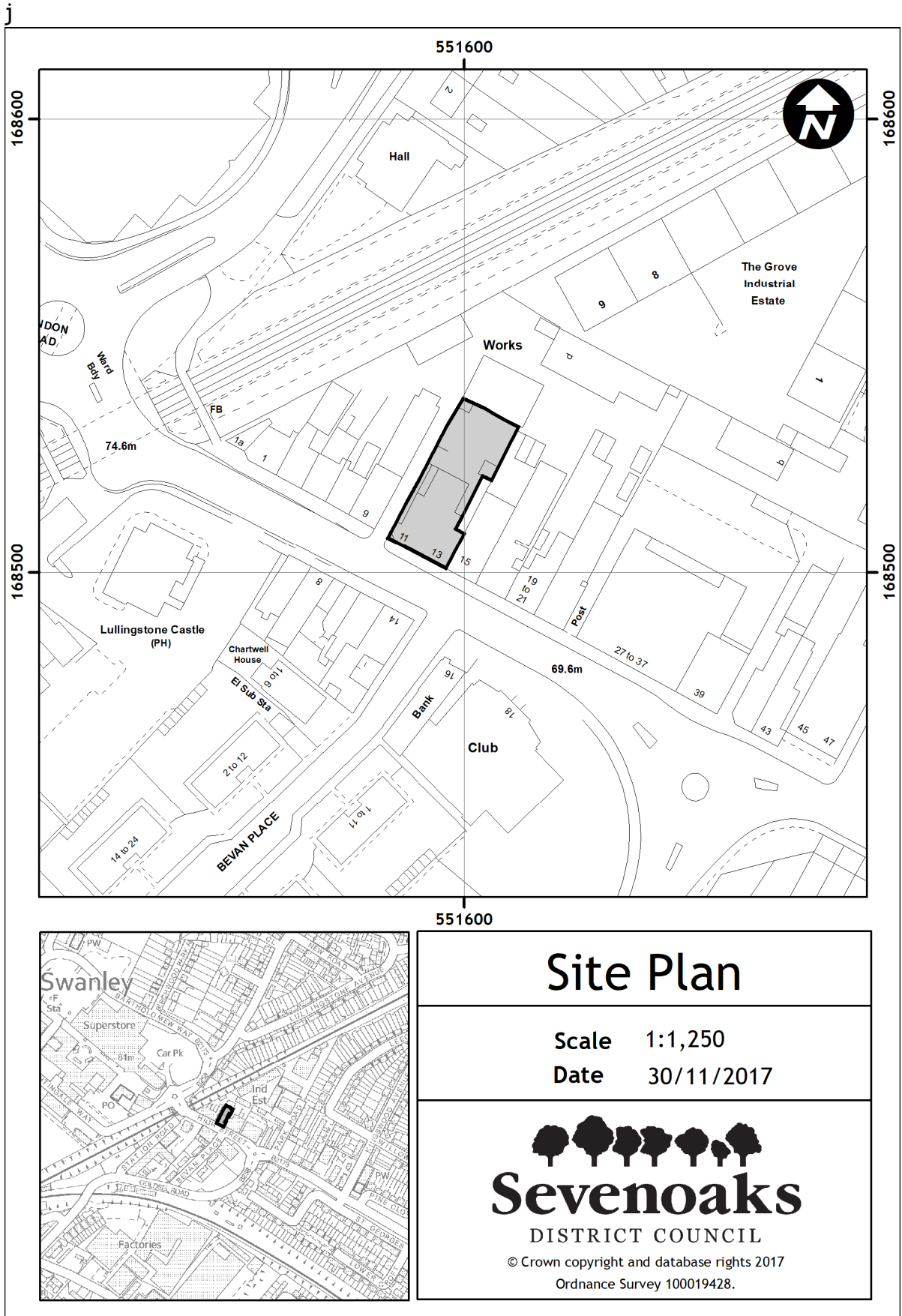
**Richard Morris -
Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OQ7J8TBKLB000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQ7J8TBKLB000>



Site Plan

Scale 1:1,250
Date 30/11/2017



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Ordnance Survey 100019428.

Block Plan



Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 14 December 2017

4.1 17/01690/FUL Abbeyfield, Stangrove Lodge, Manor House Gardens, Edenbridge TN8 5EG

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OQGSMXBKM1M00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQGSMXBKM1M00>

4.2 17/02363/FUL Warren Court Farm, Knockholt Road, Halstead TN14 7ER

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTLR9SBKIHK00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OTLR9SBKIHK00>

4.3 17/03105/CONVAR Sevenoaks Rugby Football Club, Plymouth Drive, Sevenoaks TN13 3RP

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OX1SXYBK0LO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX1SXYBK0LO00>

4.4 17/01628/FUL 11-13 High Street, Swanley BR8 8AE

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OQ7J8TBKLB000>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OQ7J8TBKLB000>

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