

30 November 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 22.11.22

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Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Pett
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, P. Darrington, Edwards-Winsor, Hogarth, Hudson, Layland, McGarvey, Purves, Raikes, Reay, Williams and Streatfeild

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	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 20 October 2022, as a correct record.	(Pages 1 - 14)	
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 22/00303/FUL - Upper Hockenden Farm, Hockenden Lane, Swanley Kent BR8 7QH	(Pages 15 - 62)	Nicola Furlonger Tel: 01732 227000

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 Friday 25 November 2022.

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.

Public Access Links

Late Observations

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 20 October 2022 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Cheeseman, Perry Cole, P. Darrington, Edwards-Winsor, Hudson, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Reay, Williams and Streatfeild

Apologies for absence were received from Cllrs. Brown, Hogarth and Raikes

Cllr. Fothergill was also present.

Cllr. Thornton was also present via a virtual media platform that did not constitute attendance as recognised by the Local Government Act 1972.

39. Minutes

Resolved: That the Minutes of the meetings held at 7pm and 8:55pm on 29 September 2022, be approved and signed by the Chairman as a correct record.

40. Declarations of Interest or Predetermination

Cllr Osborne-Jackson declared for Minute 41.1 - 22/01961/FUL - Land East Of Westfield Cottages, Fawkham Road, West Kingsdown, Kent TN15 6AY, that he had spoken with the applicant but remained open minded.

41. Declarations of Lobbying

All Members, with the exception of Cllrs Barnett and Streatfeild, declared that they had been lobbied in respect of Minute 41.1 - 22/01961/FUL - Land East Of Westfield Cottages, Fawkham Road, West Kingsdown, Kent TN15 6AY.

41.1 22/01961/FUL - Land East Of Westfield Cottages, Fawkham Road, West Kingsdown, Kent, TN15 6AY.

The proposal sought the construction of a training academy facility, a groundskeeper building and a security building, an indoor pitch and outdoor football pitches including an artificial football pitch and associated training areas, car and cycle parking, hard and soft landscaping, and a new access to Fawkham Road. The application had been referred to the Committee at the discretion of the

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Chief Planning Officer, as the Development was of a significant nature being major development in the Green Belt.

Members' attention was brought to the main agenda papers and the late observation sheets, which proposed an additional condition and an additional recommendation.

The Committee were addressed by the following speakers:

Against the Application:	Michael Titchner
For the Application:	Steve Kavanagh
Parish Representative:	Ian Bosley
Local Members:	Cllr. Fothergill, who also read out a letter from Cllrs Bulford and Harrison

A question of clarification was asked by the speaker Against the Application.

Members asked questions of clarification to the speakers and the officers.

It was explained to the Committee that there had been engagement with some local schools before the application was submitted, and that the Millwall Community Trust would appoint a local liaison officer should planning permission be granted, to build on that engagement. Members also sought clarification about the employment opportunities the development would bring to the local area. The usage of the pitches, and the likely hours of operation for the complex, were also clarified.

Members heard that the impact of the development on traffic would be low, and that the scale of the car park would prevent any parking from spilling into the road. They further heard that the floodlights on the pitches and car park were angled downwards and would not impact drivers on the M20 or nearby residences. They were advised that the National Planning Policy Framework allowed for development on the Green Belt if the benefits clearly outweighed the harm.

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

Members discussed the traffic implications of the site, and concerns regarding the power requirements of the development. They further discussed the possible community and economic benefits of the development, as presented within the draft S106 agreement.

The motion was put to the vote and it was:

Resolved: That

A) planning permission be GRANTED subject to:

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

Section 106 Agreement

The Section 106 Agreement shall include the following requirements:

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

Planning conditions

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

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

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

Drawings	Documents
AFL-Z2-00-DR-A-20100 P01	Design & Access Statement (all parts) (July 2022)
AFL-Z2-01-DR-A-20101 P01	Air Quality Assessment (July 2022)

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AFL-Z2-XX-DR-A-20201 P01	Arboricultural Impact Assessment (July 2022)
AFL-Z2-XX-DR-A-20202 P01	Archaeological Desk Based Assessment (July 2022)
AFL-Z2-RF-DR-A20103 P2	Phase 1 Preliminary Contamination Assessment (all parts) (July 2022)
AFL-Z3-XX-DR-A-20100 P01	Ecological Appraisal (July 2022)
AFL-Z4-00-DR-A-20100 P01	Energy and Sustainability Statement (July 2022)
AFL-ZZ-ZZ-DR-A-00910 P01	Heritage Impact Assessment (July 2022)
EDL-ZZ-XX-DR-L-0100 P1	Interim Travel Plan (July 2022)
AFL-ZZ-ZZ-DR-90300 P2	Landscape Design and Access Statement (all parts) (July 2022)
AFL-Z1-00-DR-A-20100 P3	Planning Statement (all parts) (July 2022)
AFL-Z1-01-DR-A-20101 P3	Statement of community involvement (July 2022)
AFL-Z2-XX-DR-A-20201P3	Transport Assessment (all parts) (July 2022)
AFL-ZZ-ZZ-DR-A-20911 P01	Flood Risk Assessment and Sustainable Drainage Strategy (August 2022)
AFL-Z4-XX-DR-A-20201 P01	Noise Impact Assessment (August 2022)
	Landscape and Visual Impact Assessment (July 2022)

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

3. For the purposes of this planning permission, any reference to ‘site preparation works’ in conditions 9, 10, 11 and 13 relates to the following works only:

- i. Site surveys;
- ii. Site clearance;
- iii. Works of archaeological and/or ground investigation;
- iv. The erection of fencing and/or hoardings associated with the construction of the development.
- v. The provision of security measures and lighting associated with the construction of the development.
- vi. The erection of temporary buildings or structures associated with the construction of the development.

Reason: For the avoidance of doubt and for the purposes of clarification.

4. Prior to commencement of works (including site clearance), a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the recommendations and proposals within the

Landscape Design Statement (EDLA, July 2022), Landscape Masterplan (EDLA, June 2022), Ecological Appraisal report para. 6.2.3-13 (Aspect Ecology, July 2022) and the Biodiversity Net Gain report (Aspect Ecology, July 2022) and include the following:

- Description and evaluation of features to be managed;
- Constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving aims and objectives;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan, and;
- Ongoing monitoring and remedial measures (with reference to Biodiversity Net Gain targets).

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

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

5. Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will be based on the recommendations in section 6.1 of the Ecological Appraisal report (Aspect Ecology, July 2022) and include the following:

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

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

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

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

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

7. Prior to commencement of works a Construction Management Plan shall be submitted to the Local Planning Authority, it will include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Provision of measures to prevent the discharge of surface water onto the highway
- (g) Control of cranes to avoid over sailing the M20.

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

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

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

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

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

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

9. Prior to the commencement, except for site preparation works listed in condition 3, a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Sustainable Drainage Strategy dated 5th July 2022 prepared by Herrington Consulting Limited and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- ii) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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

10. Prior to the commencement, except for site preparation works listed in condition 3, details of the proposed materials for the access, pathways, car park and other areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

Reason: to ensure that the development does not contribute to or is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF).

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

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

16. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health,

buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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

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

18. The development shall not be brought into use until a detailed Travel Plan, to reduce dependency on the private car, has been submitted to and

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approved in writing by the Local Planning Authority. The detailed Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

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

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

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

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

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

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

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

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

22. Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of archaeological post excavation and publication work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29. Prior to works above damp-proof course level, details of all renewable energy generation proposed, including size, positioning and numbers and specifications, shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainability and to accord with policy SP2 of the Sevenoaks Core Strategy.

Informatives:

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

4. Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

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

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

THE MEETING WAS CONCLUDED AT 8.31 PM

CHAIRMAN

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4.1 - 22/00303/FUL

Revised expiry date 28 October 2022

Proposal: Demolition of existing sheds and small commercial buildings and erection of business units for E(g), B2 and B8 use and associated car parking and yard.

Location: Upper Hockenden Farm, Hockenden Lane, Swanley Kent BR8 7QH

Ward(s): Swanley St Mary's

Item for decision

This application is referred to Development Control Committee at the discretion of the Chief Planning Officer, as the development is of a significant nature being major development in the Green Belt.

RECOMMENDATION: That planning permission be GRANTED subject to:

- a) Referral of the application to the Secretary of State as major development in the Green Belt, to decide whether to call the application in; and
- b) The conditions listed below:

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 shall be delivered in accordance with the following plans and details: planning application forms; drawing references 4127_L01A (Location Plan), 4127_PL02H (Proposed Site Plan), 4127_PL03A (Proposed Warehouse Roof Plan), 4127_PL03B (Proposed Warehouse Floorplan), 4127_PL05 (Proposed Floor Plans - Small Units), 4127_PL06D (Proposed Elevations), 4127_PL07 (Proposed Elevations - Small Units), 4127_PL11B (Site Sections and Proposed Street Scene), Design and Access Statement Rev C (Dovetail Architects); Planning Statement (January 2022); Arboricultural Report, January 2022; Flood Risk Assessment October 2021; Noise Impact Assessment, 15 November 2021 (as amended 6 April 2022 and in Noise Response to EHO Comments); Transport Statement January 2023 (as amended by Transport Statement Addendum June 2022 and letter from Dovetail Architects dated 7 September 2022); Landscape and Visual Appraisal and appendices, November 2021 (Revision P2); Phase 1 Geoenvironmental Assessment, October 2021; Ecological Walkover Survey with Daytime Bat Assessment and Public Records Search (issued 4 April 2022).

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

3) The development hereby approved shall only be used for purposes falling within Classes B2, B8 and E (g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), (or in any provision equivalent to that Class in any statutory

instrument revoking and re-enacting that Order with or without modification).

In order that the implications of an alternative use of the site is the subject of a separate application to be determined on its merits, having regard to the impact on highway conditions as supported by Policy T1 of the Sevenoaks Allocations and Development Management Plan.

4) No more than 10% of the total approved floorspace shall be occupied for purposes falling within use Class B2 and no more than 10% of the total approved floorspace shall be occupied for purposes falling within Use Class E(g).

In order to secure the appropriate provision of car parking in line with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the commencement of development above damp proof course level, and notwithstanding the details shown on the drawings and details identified in Condition 2, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall take place (excluding demolition) until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. This shall include details of mounding along the site boundaries. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the character and visual amenities of the surrounding area, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and LO8 of the Sevenoaks Core Strategy.

7) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Tim Moya Associates Arboricultural Statement (January 2022, 210924-PD-11) have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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.

8) Prior to commencement of development above slab level, full details of hard and soft landscaping on the site, which shall include details of native, species-rich, tree and hedgerow planting along the site boundaries and within the site, shall be

submitted to and approved in writing by the Local Planning Authority. The landscaping details shall be in accordance with the TMA Landscape Mitigation Plan provided within the Landscape and Visual Appraisal by Tim Moya Associates (Document 200120-LVA-01, Revision P2) and shall include: full planting plans and specifications, including species size; details of hard surfacing materials; and a plan for the management and maintenance of the landscaped areas. The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the approved soft landscaping scheme shall be implemented not later than the first planting season following the first occupation of the development. If within a period of 5 years from the completion of 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 a similar size and species.

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

9) No development above damp proof course shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) No development shall be commenced until details of a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Those details shall include the following: (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users adjacent to the site in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

11) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, pollution, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800 - 1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the

works. The approved details shall be implemented throughout the project period.

In the interests of the amenities of neighbouring occupiers as supported by policy EN2 of the Councils Allocations and Development Management Plan.

12) Development shall not commence 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 due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall not exceed the equivalent greenfield runoff rates for the respective rainfall events. 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.

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

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

14) No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components: i. A site investigation scheme, based on the findings of the Gemco Phase 1 Geo-environmental Assessment (October 2021, reference 2008 R01: Issue 1) submitted with the application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off

site. ii. The results of the site investigation and the detailed risk assessment referred to in (ii) 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. iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

15) No occupation of any part of the approved development 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.

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 to workers, neighbours and other off-site receptors, in accordance with the National Planning Policy Framework.

16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 to workers, neighbours and other off-site receptors, in accordance with the National Planning Policy Framework.

17) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

18) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been

demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

19) The development hereby approved shall not be occupied until the proposed vehicular access to the site from Maidstone Road has been constructed and provided with visibility splays of 104 metres x 2.4 metres to the west and 90 metres x 2.4 metres to the east with no obstructions over 1.05 metres above carriageway level within the splays. The access shall be permanently maintained thereafter and the visibility zones shall be kept permanently clear of any obstruction.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

20) The development hereby approved shall not be occupied until the new vehicular access from the residential property, Riddings, to Hockenden Lane has been constructed and provided with visibility splays of 43m x 2.0m visibility splays with no obstructions above a height of 1.05m, the splays being maintained at all times thereafter. There should be no gates within six metres of the edge of the highway and any such gates should open away from the highway. The first six metres of the drive should be constructed in a bound material to prevent the spread of loose stones onto the highway, and be maintained as such thereafter.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

21) Prior to commencement of the development, the applicant shall enter into a Section 278 Agreement with Kent County Council to secure (i) footway improvements between the site access and the pedestrian crossing point across Maidstone Road to the west of the entrance comprising the construction of a link footway on the south side of the carriageway and the creation of dropped kerbs and tactile paving; and (ii) the re-painting of the road markings along Maidstone Road between the fork in the B2173 to the north-west of the site entrance and the junction of Maidstone Road with Birchwood Terrace to the south-east. These works shall be completed prior to occupation.

In the interests of road safety and convenient access as supported by Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan and Policy SP2 of the Sevenoaks Core Strategy.

22) The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-

split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

To ensure the sustainability of the site in accordance with Policies T1 of the Sevenoaks Allocations and Development Management Plan and Policy SP2 of the Allocations and Development Management Plan.

23) Before the first use or occupation of the development hereby permitted, the car and lorry parking and turning areas, cycle stores, motorcycle parking and servicing areas shown on the approved Proposed Site Plan (reference 4127_PL02H) shall be provided and shall thereafter be kept available for the parking of cars and lorries and for servicing at all times.

To ensure the permanent retention of satisfactory parking and cycle facilities to serve the site, and to maintain safe and convenient access, as supported by Policies EN1, T1 and T2 of the Councils Allocations and Development Management Plan.

24) Prior to commencement of any work associated with the new car parking/yard areas serving the site a scheme to show the provision of electric vehicle charging points, including their proposed locations, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to first use of the car park.

To ensure the delivery of electrical vehicle charging points, to comply with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

25) Noise generated within the warehouse shall not exceed 75 dB LAeq, 15min, and doors to the warehouses must be closed during operation. The assessed noise level should not result in a loss of amenity when assessed to BS 4142:2014 +A1: 2019 (or the latest update of that standard) at the nearest noise sensitive receptor.

To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

26) The external noise level emitted from plant, machinery or equipment at the development hereby approved shall ensure that the rating noise level from plant, machinery/equipment assessed at the nearest noise sensitive receptors is no greater than the typical background noise level, as assessed according to BS 4142:2014 +A1: 2019 (or the latest update of that standard). The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

27) None of the Units hereby approved shall be occupied until details of the

position (including level), material and specification of the 2.4m high acoustic barrier on the eastern boundary of the site, as indicated on the approved Site Plan drawing 4127_PL02H, have been submitted to, and approved in writing by, the Local Planning Authority and the barrier erected in accordance with the approved details. The barrier is to have a minimum mass of 12kg/m².

To ensure that noise emanating from the development site does not have an unacceptable impact on the amenities of neighbouring occupiers.

28) Prior to occupation of the development, a scheme specifying the provisions to be made for the control of noise emanating from the external yard spaces, including (but not limited to) those for the control of vehicle reversing alarms, shall be submitted to and approved in writing by the local planning authority. Thereafter, the use hereby approved shall not commence until the approved scheme has been fully implemented and the approved measures shall thereafter be maintained in perpetuity.

To protect the occupants of nearby properties from noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

29) To demonstrate that all noise mitigation measures have been effective, a verification process shall be undertaken as follows: (i) Prior to occupation of the development, a scheme for assessing the post-occupation noise levels shall be submitted to and approved by the local planning authority. (ii) Following implementation of the recommended noise mitigation measures and within three months of occupation, a verification report demonstrating that the approved noise level has been achieved in accordance with the assessment scheme agreed under (i) shall be submitted to the Local Planning Authority for approval. In the event that the agreed noise levels are not met, further mitigation measures shall be implemented until they have been achieved to the satisfaction of the Local Planning Authority, as demonstrated through the submission of a further verification report.

To protect the occupants of nearby properties from noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan

30) Prior to commencement of development, the applicant shall provide in writing for approval by the local planning authority, an Air Quality Impact Assessment and recommendations for mitigation measures as appropriate. The air quality impact assessment should follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017).

To protect the amenity of local residents in line with Policy EN2 of the Sevenoaks Allocations and Development Management Plan and in compliance with the objectives of Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

31) No development shall commence (including site clearance) until a Biodiversity

Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be based on the recommendations listed on page 3 of the Ecological Walkover Survey report by Betts Ecology and Estates (April, 2022) and shall provide detailed mitigation measures and ecological enhancements to be carried out on site, together with a timetable for implementation and details of ecological supervision where required. The development shall be carried out in accordance with the approved details.

To avoid and mitigate for potential impacts on protected species during construction and provide biodiversity enhancements in accordance with Policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

32) Prior to occupation of the development, a lighting design strategy for the protection of biodiversity and amenity shall be submitted to and approved in writing by the local planning authority. The strategy shall: i. Identify those areas and features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; iii. Otherwise, show details of the position, height, design, measures to control light spillage and intensity of illumination in order to demonstrate that the lighting will safeguard residential amenity. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter. No other external lighting be installed without prior approval of the Local Planning Authority.

In the interests of safeguarding protected species in accordance with Sevenoaks Core Strategy Policy SP11 and the protection of residential amenity as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

33) The development shall achieve a BREEAM minimum rating of "Excellent". Evidence shall be provided to the Local Planning Authority as follows: i. Prior to the commencement of the development of each building, other than site clearance/demolition, of how it is intended the development will achieve a BREEAM Design Certificate minimum Excellent or alternative as agreed in writing by the local planning authority; and, ii. Prior to the first occupation of each building, that the development has achieved a BREEAM post construction certificate minimum Excellent or alternative as agreed in writing by the local planning authority.

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

34) Notwithstanding the approved drawings, a scheme for the delivery of solar panels, or an alternative source(s) of renewable or low carbon energy, shall be submitted to the Local Authority prior to the commencement of development excluding demolition. The solar panels, or scheme as otherwise approved in writing

with the local planning authority, shall be installed only in accordance with the approved details and shall be brought into use prior to the occupation of the development.

To ensure the development preserves the character and appearance of the area and contributes to the goal of achieving zero carbon in accordance with policies EN1 of the Sevenoaks Allocation and Development Management Plan and SP2 of the Sevenoaks Core Strategy.

Informatives

1) Ecology: The applicant is reminded that Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England.

2) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m), Thames Water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

3) Site Drainage: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

4) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must

be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

5) Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

6) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

7) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Description of site

- 1 The application site comprises 0.9 hectares of land on the south west side of Maidstone Road, on the north western edge of Swanley where the B2173 (London Road/Maidstone Road) meets the A20. There is an existing site access from Maidstone Road and an unused access from Hockenden Lane.
- 2 It forms part of a wider site, extending to 2.3 hectares, that was formerly part of Upper Hockenden Farm, and is now owned by the applicant, Bemkat Holdings. The northern part of the site contains two large factory/warehouse buildings, operated by Ming Foods and The Meat Factory, with a shop for the sale of meat produce.
- 3 The application site, which sits at a lower level than Maidstone Road, contains a number of storage/industrial units, many of which are former farm buildings, and an extensive yard space. The site and buildings are currently in a variety of commercial uses, from vehicle storage and repair,

builders/property maintenance and scaffolders, a beer distribution operation, and shipping company storage. The site and many of the buildings (excluding the one storage unit to be retained) are in dilapidated condition; overall, the site appears in a poor and untidy state.

- 4 The southern edge of the site is defined by Hockenden Lane, a dense hedgerow lining the site boundary with the road. The west boundary is enclosed by the A20 and its embankment, marked by a prominent row of poplar trees. On the eastern boundary (outside the application site) are two residential dwellings (Riddings and Russet House), also within the applicant's ownership, beyond which is a mobile home park. The north edge of the application site is defined by the Ming Foods factory warehouses.
- 5 Together, the above developments make up a triangular parcel of land bound by the A20 on the west, Maidstone Road on the north and Hockenden Lane to the south.
- 6 On the opposite side of Maidstone Road, is the Birchwood retail/business complex, and the Premier Inn hotel and restaurant complex.

Description of proposal

- 7 The application seeks planning permission for the demolition of the majority of existing buildings and the erection of modern business units, primarily for Class B8 Use (storage and distribution) but with elements of Class B2 (industrial) and Class E(g) (offices, formerly Class B1 use).
- 8 This space would be arranged within the following buildings:
 1. A large distribution warehouse (3515.8 m² GIA), with an element of office within one corner, in the southern part of the site between the A20, Hockenden Lane and the large factory building on Upper Hockenden Farm. The footprint of this building would measure between 63 -70.5m (length) x 49.9m (width).
 2. Three smaller units, consisting of two new units either side of an existing unit on the northern part of the site close to the entrance. These smaller buildings would contain 229m², 326m² and 194m² respectively, with a total gross internal floorspace of 749m² GIA.
- 9 A servicing yard would lie on the eastern side of the buildings allowing distribution vehicles to access the loading docks on the east side of the main warehouse. The development would be served by 50 car parking spaces and 66 cycle spaces, with spaces also provided for motorcycles. The development would utilise the existing access. A replacement access would be created for the dwelling to the east of the site, Riddings, from Hockenden Lane.

Relevant planning history

- 10 96/01387/HIST - Pack house extension. GRANT - 13/09/1996

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- 11 99/01560/FUL - Demolition of existing cold stores general storage areas and erection of new cold stores, pack house, despatch area, rest room/toilets and tray storage area - GRANT
- 12 09/02896/AGRNOT - Replacement farm building - NOOBJ
- 13 10/03083/FUL - Change of use from agricultural storage, packing & distribution to a mixed use of B1 (business), B2 (general industrial) & B8 (storage & distribution) for the packing & office building in the Northern part of the site, & Mixed B2 (general industrial) & B8 (storage & distribution) for the storage, packing & distribution building - GRANT
- 14 16/00207/FUL - Installation and operation of a 177.2kw rooftop solar PV system - GRANT
- 15 20/00966/FUL - Change of use of part meat factory to public wholesale - GRANT

Policies

- 16 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay. The same paragraph states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- 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.

Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 17 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP8 Economic Development and Land for Business
- LO4 Development in Swanley
- LO8 The Countryside and the Rural Economy

18 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- CF2 Loss of local services and facilities
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Points

19 Other:

- Kent Parking Standards
- Development in the Green Belt SPD

Constraints

20 The following constraints apply:

- Green Belt
- Outside Urban Confines

Consultations

21 Swanley Town Council: No objection

22 Comment 3 March 2022: “Fully Support. Subject to the conditions put forward by Environment Agency in regards to potential risks associated with any contamination of the site. To make sure that the development does not contribute to unacceptable levels of water pollution. That a verification report is produced so that the site does not pose any further risks to human health or the water environment. Thames Water - developer should follow the sequential approach to the disposal of surface water. Employment for Swanley is welcome. Prefer commercial use than residential units so close to the A20.”

23 Comment 11 July 2022: No objection.

24 Comment 21 September 2022: No objection. Subject to the noise generated within the warehouse not exceeding 75db as there is a house in close proximity.

25 SDC Tree Officer

26 Comment 16 March 2022: It is good to see that the proposed site drawing has been amended to show the boundaries remaining with what appears to be planting space for softening/screening plants. I am now more inclined to support this proposal but would want to see suitable trees being planted as

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shown on the aforementioned drawing. I accept that tree planting will not fully screen this large building but will go some way to softening it from views from the south.

- 27 Further comment 24 October 2022: The applications shows indicative tree planting for the proposed site which I am happy with. I will want to see details of the planting, species, varieties, sizes etc.
- 28 SDC Planning Policy
- 29 Comment 11 March 2022: SDC Policy Officer confirms that the key strategic planning policy issues are Green Belt and Existing Business Use. In summary, she makes the following comments:
- 30 Green Belt: The site is fully located in the Metropolitan Green Belt. Policy LO8 (The Countryside and the Rural Economy) states that the extent of the Green Belt will be maintained. Paragraph 145 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but with a number of exceptions including:
- “g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- Not have a greater impact on the openness of the Green Belt than the existing development”
- 31 A proportion of the site is NPPF-defined Previously Developed Land (PDL). The application submission shows that the proposed redevelopment would take place on the PDL section of the site and therefore the proposed redevelopment would be appropriate by definition if it is considered infilling which does not have a greater impact on openness.
- 32 Existing Business Use: The site currently consists of employment and commercial floorspace, with a mixture of B1-B8 uses. Core Strategy Policy SP8 - Economic Development and Land for Business - supports the sustainable development of the District’s economy by:
- “a) the retention, intensification and regeneration of existing business areas primarily at Sevenoaks, Swanley, and Edenbridge... subject to Green Belt policy”
- 33 In conclusion, the SDC Policy Officer confirms general support for the proposed development, subject to Green Belt policy.
- 34 SDC Environmental Health
- 35 Comment dated 6 March 2022: The initial response from the Environmental Health Officer (EHO) confirmed no objection in principle to the proposal, subject to a number of conditions relating to air quality, contamination, construction management, construction hours and electric vehicle charging points. Conditions and further information was sought in relation to the

noise assessment and management, comprising more details on the noise impacts from deliveries on the nearest sensitive receptors.

- 36 Further comment dated 2 July 2022: Confirms requirements for height and density of acoustic fence but raises concerns that the 1.8m fence would not be effective in protecting first floor bedrooms from delivery noise. Further details are requested.
- 37 Also requests that the delivery yard is located on the opposite side of the warehouse. Otherwise, the EHO requests that a planning permission is conditioned to ensure fork lift trucks use white noise reverse alarms and that reverse alarms are not permitted for HGV's. Further conditions are recommended relating to noise breakout from the warehouse and the control of operations, including a suggested trial period for delivery arrangements.
- 38 Further comment 3 October 2022: "I have reviewed the additional response from ... SRL Technical Services Ltd in response to observations made by Craig Milligan commenting on behalf of Environmental Protection.
- 39 As any permission would be likely to include that any acoustic protection measures are maintained in perpetuity I would hope that any barrier is more substantial than the minimum mass 10 kg/m² quoted.
- 40 I have no objection to the proposal however any operator should be required to submit a noise management plan with any vehicle operated from the site being fitted with a broad spectrum reversing alarm. Any operator should try to ensure any vehicle from a third party operator using the facility is also fitted with a broad spectrum reversing alarm."
- 41 More details on the Environmental Health Officer's comments are provided in the appraisal below.
- 42 KCC Ecology
- 43 Initial comment dated 4 March 2022: Advised that additional information is sought prior to determination of the planning application. Specifically, the officer noted that the submitted Ecological Walkover Survey boundary as shown in the Site Plan did not correspond with the red line boundary of the application site. Therefore, a significant area of the application site and a number of buildings proposed for demolition, have not been subject to any ecological survey.
- 44 The officer requested that an updated Phase 1 Habitat Survey be undertaken of the whole application site within the red line boundary and that all buildings proposed for demolition are subject to thorough inspection both externally and internally for potential bat roosting features. The buildings on the application site appear to us to have potential for roosting bats.

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- 45 Further comment dated 19 July 2022: Following the submission of an amended Ecological Walkover Survey, the KCC Ecology Officer confirmed that sufficient ecological information had been provided. Following a review of this information provided, she notes that there is understood to be limited potential for the following to be present within the site:
- Roosting bats within buildings B2-B4
 - Nesting birds
 - Common lizard
- 46 The Officer recommended that conditions be attached to a grant of planning permission requiring submission and implementation of (i) a Biodiversity Method Statement (including detailed biodiversity mitigation and enhancement measures) and (ii) a bat-sensitive lighting design strategy. Further, an informative is recommended that refers to the applicant's duties for the protection of bats under the Wildlife and Countryside Act 1981 (as amended).
- 47 KCC Lead Local Flood Authority
- 48 Comment dated 3 March 2022: The Lead Local Flood Authority (LLFA) commented that the Flood Risk Assessment and Surface Water Drainage /SuDs Strategy submitted with the application proposes that the site be served by a single on site soakaway. He states that "It is understood that testing has yet to have been undertaken at this stage however, it is expected that the Thanet Beds formation is typically freely draining and should permit infiltration.
- 49 As part of the detailed design stage, the LLFA would seek for infiltration testing to be carried out at the proposed location and depth of the infiltrating feature. Any infiltration should occur within clean uncontaminated natural ground. Further to this, we would request confirmation from a geo-technical engineer in regards to suitable separation distances from the infiltrating features and any foundations."
- 50 In this respect, the LLFA requests that, should the local planning authority be minded to grant planning permission, conditions requiring the following detailed submissions be attached:
- A sustainable surface water drainage scheme, demonstrating that due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to beyond being reasonable practical then any surface water leaving site shall not exceed the equivalent greenfield runoff rates for the respective rainfall events. 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.

- A Verification Report, pertaining to the surface water drainage system, demonstrating that the drainage system constructed is consistent with that which was approved.

51 The LLFA re-confirmed the above comments in response to subsequent re-consultation exercises.

52 Natural England - No comments.

53 KCC Highways

54 Comment dated 24 February 2022: “This application was the subject of pre-application discussions with KCC Highways in January 2022 where agreement was reached on the scope of a Transport Assessment. This has resulted in the submission of a robust Transport Assessment dated January 2022 by Ardent Consulting Engineers. The TA covers the following topics:

55 Existing Development

56 The existing development comprises a number of buildings totalling 1,230 sq m mainly of warehouse use. It is located in a semi-rural area on the outskirts of Swanley with easy access to the B2173 Maidstone Road and good access to the local highway network. The existing access off Maidstone Road is in the form of a wide junction with a central ghost island right turn lane. The main road is subject to a 40mph speed limit. Traffic surveys in October 2021 revealed a traffic speed of 40 mph eastbound and 37 mph westbound. This would require visibility splays of 104m x 2.4m to the west, and 90m x 2.4m to the east with no obstructions over 1.05m high.

57 A condition requiring this to be established prior to works commencing and to be maintained as such afterwards.

58 It is noted that recent photos indicate that the road markings for the ghost island at the access junction are particularly worn and faded. I would recommend a Condition requiring the applicant to arrange through the Highway Authority for the road markings in the vicinity of the access to be renewed prior to first occupation.

59 Cycling and pedestrian facilities are available on the northern side of the B2173 with a crossing point with a central island located close to the access although there is currently no pedestrian access to it on the southern side of the road. Bus services into Swanley and Sidcup are available within a short distance from which there is easy access to Swanley railway station. It is therefore considered that use of sustainable travel is available from the site location.

60 Highway Safety

Crash records indicate that whilst there have been two crashes (one serious, one slight) along the section of Maidstone Road close to the site, these

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crashes were not related to the site access. There is also a cluster of crashes at the Maidstone Road / Hockenden Lane junction but this is not expected to be worsened given the likely additional traffic generation from this proposal and considering that only a proportion of such traffic would travel in that direction.

61 Proposed Development

The proposals involve the demolition of some of the existing buildings and the construction of new buildings to result in a total of 4,078 sqm of B1 / B2 / B8 uses. The access is to remain as existing which is considered adequate with the addition of a footway link from the access along the western side to link with the existing pedestrian crossing facility across Maidstone Road complete with dropped kerbs and tactile paving. This should be conditioned to be completed prior to first occupation and will require to be constructed through a Section 278 Agreement with the Highway Authority.

62 Parking

63 The TA suggests that the new emerging KCC Parking Standards (currently at consultation stage) should apply. However, it is noted that for the proposed uses the current standards (SPG4 2006) are the same.

64 The proposed office (B1) space of 674 sqm requires a maximum of 34 parking spaces. The remaining 3,404 sqm would require 68 spaces if B2 use, or 37 spaces for B8 use. Since the relative areas of B2 and B8 use are undefined in the application then 100% of the worst case should be applied i.e. maximum of 68 spaces plus additional HGV parking. I therefore consider a maximum of $34 + 68 = 102$ spaces should be provided. The proposal provides a total of 28 spaces which is well short of the maximum standard. The site is located in a semi-rural location and whilst sustainable travel is available, I do not consider there is sufficient justification to provide such a low level of parking. It would appear that within the site there is space for additional parking, but these would need to be clearly marked out.

65 I therefore recommend that either the car / van parking provision needs to be increased substantially to close to the maximum recommended standard or strong justification is submitted for such a reduction from the maximum.

66 The proposed cycle parking provision of 61 spaces in total is acceptable together with the proposed EV charging spaces at 10% of the total car parking spaces is acceptable.

67 Trip Generation

68 The TA uses data from the TRICS database to estimate the likely trip generation from the proposed development. The results show that, assuming the worst case (B8 use), 23 two-way vehicle trips would be generated in the AM Peak and 19 two-way vehicle trips in the PM peak. Considering the direct access onto Maidstone Road (B2173) this level of traffic generation is not considered significant and is not of concern to the Highway Authority.

69 Travel Plan

A framework Travel Plan is included in the TA which covers the essential elements to encourage sustainable travel to and from the site. A Condition should be applied to any consent granted for a full Travel Plan to be submitted and approved prior to first occupation.

70 Construction Management Plan

Similarly, a draft outline CMP has been submitted as part of the TA, the content of which is acceptable. A Condition should be applied to any consent granted for a Construction management Plan to be submitted and approved prior to any works on the site commencing (including demolition)

71 Conclusion

72 Whilst I have no objections on highway grounds to the majority of aspects of this proposal, I do have major concerns about the car parking provision which is substantially lower than the current KCC Parking Standards (SPG4).

73 I must therefore raise a holding objection to this application unless the issue of parking has been resolved.

74 Updated comment 29 July 2022: I note that this amended proposal is supported by a Transport Statement Addendum dated June 2022, the content of which raise a couple of concerns.

75 Firstly, the Addendum suggests that because the level of car parking has been increased from 28 spaces to 50 that the amended layout should be acceptable. This is not necessarily the case since the original proposal of 28 spaces fell well short of the current KCC Parking Standards which, in a worst case scenario, would require a maximum of 102 spaces plus HGV parking.

76 Secondly, it is assumed that, whilst not fixed, the mixed use development would comprise a mixture of B1 / B2 / B8 uses, of which 70% of the B2 / B8 uses are "likely to be" B8 and the remaining 30% are "likely to be" B2 uses. Unless any planning consent granted can control that split i.e. a Condition that a maximum of 30% of the overall B2 / B8 uses shall be B2 uses; then I must continue to consider the "worst case" of all development being for B2 use which was the basis of my previous requirement for a maximum of 102 parking spaces.

77 Whilst I accept that the KCC Parking Standards are maximum for the B1 / B2 / B8 uses, this is located in a semi-rural area and I need to consider the impact on the public highway should the parking provision prove inadequate in the future i.e. on-street parking on the adjacent B2173 which is a busy feeder road onto and off the A20. As I suggested in my previous response I need a strong justification for the reduction in parking provision from the maximum. This would still apply should the 70% / 30% split between B2 and B8 uses be controlled via Condition as to the reduction from 62 spaces (as

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calculated in the TA Addendum) to 50 spaces. Such a justification has not been provided other than the reduced number being "appropriate and commercially viable".

- 78 I therefore would wish to retain my holding objection on lack of parking grounds until my above concerns are satisfactorily addressed.”
- 79 Updated comment 20 September 2022: “As a result of further negotiations with the applicant I note that a revised layout drawing was submitted on 13th September 2022 showing 50 car parking spaces which is slightly short of the maximum KCC Parking Standard (SPG4) of 55 spaces. This is considered to be acceptable provided the level of B2 use is controlled by Condition to 10% of the total development floorspace (= 393.8 sq.m.).
- 80 I am therefore able to withdraw my former holding objection and now raise no objection to the application on highway grounds provided the following Conditions are applied to any consent...” [Conditions are listed within the letter].
- 81 Further correspondence with the Highways Officer confirms that office floorspace should also be capped at 10%. Visibility splays for the relocated Hockenden Lane access were also sought.
- 82 Environment Agency
- 83 Comment dated 22 February 2022: The response confirms that the site is sensitive with respect to groundwater as it lies upon a secondary aquifer overlying a principal aquifer, and is within a Source Protection Zone.
- 84 The previous industrial/commercial use of these buildings/land may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.
- 85 The comments state that “we have reviewed the documents submitted in support of this planning application, including the ‘Phase 1 Geo-environmental Assessment’ (Gemco, ref 2008 R01, October 2021) and ‘Flood Risk Assessment and Surface Water Drainage Strategy’ (Evans, ref 2809/RE/10-21/01, October 2021). We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.”

- 86 Proposed conditions relate to land contamination, remediation and verification, and the protection of ground water. Further informatives are proposed relating to drainage and the treatment of contaminated waste.
- 87 Comment 3 October 2022: comments above repeated.
- 88 Thames Water
- 89 Comment 16 February 2022: [in summary] Thames Water advises that, with regard to waste water network and sewage treatment works infrastructure capacity, they would not have any objection to the planning application, based on the information provided.
- 90 With regard to surface water drainage, they would not object if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water developer services will be required.
- 91 On the basis of information provided, Thames Water confirm that they would not object in relation to the development's impact on water network and water treatment infrastructure capacity, and so would not have any objection to the planning application.
- 92 An informative is recommended relating to the minimum pressure and flow rates of water provided to users, the use of mains water for construction and construction in the vicinity of mains water infrastructure.
- 93 London Borough of Bromley - No objections.
- 94 London Borough of Bexley - No objections.

Representations

- 95 Two letters of support has been received, one of which commented on the job opportunities and much needed commercial space the development would provide.

Chief Planning Officer's appraisal

- 96 The main planning considerations are:
- Principle of development in the Green Belt
 - Principle of employment development in this location
 - Impact on the character of the area
 - Impact on residential amenity
 - Highways, access and parking
 - Ecology and Biodiversity
 - Flooding and drainage
 - Very Special Circumstances

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Principle of the development in the Green Belt

- 97 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.
- 98 The site is located on the edge of the Swanley urban area, within the Metropolitan Green Belt. These issues are key to considering the principle of the development.
- 99 Core Strategy Policy LO8 (The Countryside and the Rural Economy) of the Core Strategy states that the extent of the Green Belt will be maintained.
- 100 Paragraph 147 of the NPPF states that 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". Paragraph 148 of the NPPF advises that Local Planning Authorities should ensure substantial weight is given 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. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 101 Paragraph 149 of the NPPF states that a "local planning authority should regard the construction of new buildings as inappropriate in the Green Belt". However, a list of exceptions is provided, including (of relevance to this application) the:
- "(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority." [my emphasis]
- 102 It is therefore first necessary to establish whether the proposed development would be considered inappropriate under the criteria of paragraph 149(g) in order to determine whether it should be considered inappropriate.
- 103 Whether the development is inappropriate development in the Green Belt
- 104 In applying the test, the first requirement is to establish whether the site is previously developed land, which is defined by the NPPF as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings;” [my emphasis]

- 105 The application site is occupied by a number of permanent structures and hard surfacing, which are currently utilised for various commercial activities, as well as a building formerly used as a gospel church. As the site’s name suggests, the wider Upper Hockenden Farm site formed part of an agricultural operation, which the planning records confirm; for example, a decision in 1999 approved the replacement of one of the agricultural buildings on the application site for the storage of materials associated with the on-site packhouse. Background planning history records refer to the site’s association with the wider farm holding which focussed on the growing and packing vegetable and salad crops.
- 106 In 2010, planning permission was granted for the change of use of northern part of the wider site to commercial, non-agricultural uses. At the time, the documents noted the decline in the farming business and the need to seek other income. Since then, this northern part of Upper Hockenden Farm has developed for the Ming Foods factory operation, meat factory and associated shop.
- 107 The planning history for the application site itself is less informative. The applicant in their submissions states that the site is in a mix of “B-class uses” (i.e. industrial, storage and office), including commercial vehicle repairs, builders/scaffolding yards, car storage, shipping storage and a beer distribution company. A number of commercial users have been named/identified and these have been evident from visiting the site. Further, it is apparent that there is no obvious use of the site for agricultural purposes. Aerial photography suggests that the storage uses and builders yard have been present over the site for a number of years, many more than ten years (i.e. the period after which a use becomes lawful without the benefit of planning permission).
- 108 While the timing of transition between agricultural and commercial use is not entirely clear, there is evidence to suggest that there has been non-agricultural development on the site since before 2012 and that this has intensified over the subsequent ten plus years. It is reasonable to assume therefore that the site, or a substantial proportion of it, would comprise previously developed land.
- 109 The second test of NPPF paragraph 149(g) is to determine whether the development would have a “greater impact on openness”.
- 110 In this respect, the national Planning Practice Guidance states that “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the

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circumstances of the case.” It notes that openness is capable of having both spatial and visual aspects - both scale and distribution of built development, and the visual impact of the proposal, may be relevant. The degree of activity likely to be generated on a site is also identified as a relevant factor in the consideration of openness.

- 111 Looking first at the ‘volumetric’ assessment, the table below highlights the change in floorspace and footprint of buildings on the application site, showing clearly that the development would result in a significant uplift in both of these areas.

	Existing	Proposed	Change	% change
Floorspace (GIA)	1408 m²	3938.8 m²	2530.8 m²	+180%
E(g) B1	379	378	-1m ²	-0.26%
B2	172.6	393.8	221.2	128%
B8	856	3166.9	2310.9	270%
Footprint (GEA)	1584 m²	4409.48m²	2825.4m²	+178%

- 112 In terms of height, the existing buildings on the site range from single storey timber shed and storage structures, to more substantial timber barns and modern warehouse/storage units. As a point of reference, the large meat factory /warehouse unit adjacent to the northern boundary of the application site is 7.2 metres, with a finished ridge level of +72.41AOD. The proposed large warehouse unit would have an eaves height of 11.2 metres and a ridge height, set back within the roof, of 12.4 metres. In terms of overall height difference, the new warehouse would be set within a natural ‘hollow’ in the land and sunken lower into the ground, resulting in a finished ridge level of +75.09AOD and eaves height of +74.052AOD. This equates to a maximum height difference of 2.68m.
- 113 The smaller units, each with their own pitch, would have a maximum ridge height of approximately 6.3m.
- 114 The distribution of buildings on the site would be subject to a notable change, with the low density, dispersed buildings replaced by the substantial structures proposed.
- 115 As noted, there are a number of existing activities on the site, with much of the yard space used for open storage and repair, including significant parts of the site covered in commercial vehicles. The introduction of the proposed commercial buildings, including the large storage and distribution operation, and its associated generation of traffic and movements, would inevitably result in a use of greater intensity. Those parts of the site not occupied by buildings would be used for parking, servicing and circulation. Employees on the site would rise from 12 to an estimated 60 employees (as estimated within the application form).

- 116 Taking into account the substantial increase in built development on the site, its distribution and scale, and the greater activity levels that the proposed uses would generate, it is evident that the development would have a greater impact on the openness of the Green Belt within the site.
- 117 Returning to the test in paragraph 149(g) of the NPPF, it is therefore concluded that the development must be considered inappropriate development in the Green Belt and, as such, would require the demonstration of very special circumstances that outweigh the harm before planning permission could be granted.
- 118 It is worthy of note that, were a different conclusion to be reached regarding the lawful use of the site (i.e. that the lawful agricultural use remains and therefore the site cannot be considered fully as previously developed land) the same conclusion would be reached that the development would be inappropriate, requiring the demonstration of very special circumstances.
- 119 The case for very special circumstances is considered later in the report.
- 120 Degree of harm to openness and purposes of including land within the Green Belt
- 121 I have noted above that the development will result in a greater impact on openness given the change in volumes of built development and activity within the site; as such, there would be harm in principle to the Green Belt. Notwithstanding this, it is relevant to assess the degree of harm to the Green Belt resulting from the development, both in terms of openness and the impact on the purposes of including land within the Green Belt.
- 122 It is clear from the calculations above that there would be a substantial increase in built development on the site, along with a notable increase in the intensity of the commercial use. While the degree of impact is mitigated by the fact that the existing site comprises entirely of buildings, hard standing and the storage of products and vehicles, it is considered that there would be some harm to openness within the site boundaries.
- 123 From beyond the site boundaries, however, the impact on openness would be limited. This is due to a number of factors, including: the topography of the site itself - the proposed large warehouse would be situated on the lowest part of the site and sunken into the ground; the wider topography of the land and surrounding features, including buildings and road infrastructure, which would screen the site from surrounding views; and established vegetation along the site boundaries which also offers heavy screening.
- 124 Through the course of the application, the eaves height of the building has been reduced from 13 metres to 11.2 metres, and the roof form changed, to further limit the impact on openness and visual impact from the Green Belt.

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- 125 The development would also be viewed in the context of the surrounding development, including the large meat factory and warehouse on the northern part of Upper Hockenden Farm and the dwellings and caravan park to the south, as well as the urban developments (business/retail park and hotel) on the opposite site of the Maidstone Road. It is also enclosed by major road infrastructure, notably the A20 and the Maidstone Road.
- 126 Taking these factors into account, the site is already perceived as part of a wider developed, urbanised area that is linked to the built settlement of Swanley. This was acknowledged in the Sevenoaks District Green Belt Assessment 2017, which noted the site is ‘enclosed’ within the built-up area of Swanley, and that the site feels more connected to the built up area of Swanley than to the wider Green Belt.
- 127 The degree of change to openness as a result of the site’s development, therefore, is likely to be limited by the existing site conditions and its context.
- 128 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the planning application. This includes an analysis of eight viewpoints, ranging from short-distance views from just beyond the site boundary, to middle and long-distance views of up to 1.8km from the application site. These are considered to be representative of the visibility of the site from the surrounding area, taking into account topographical data and the scale of the development. It includes views from surrounding public rights of way.
- 129 This shows that the visual impact of the development from outside the site’s boundaries will be negligible, with many views being obscured by topographical and landscape features. From a small number of viewpoints, there would be seasonal glimpses, which the LVIA notes as often being oblique and from footpaths that are unused and managed. The viewpoints from the south are largely screened by the A20 and the existing prominent poplar tree belt along the site’s boundary, which would be reinforced by the landscape proposals. The most noticeable views are likely to be from directly outside the site from the road network, most notably on Hockenden Lane, which would likely be fleeting views that would be filtered by the proposed mounding and tree/vegetation planting.
- 130 Overall, therefore, the change to the openness of the Green Belt from a visual impact perspective, from outside the site’s boundary, is expected to be limited. In this regard, there would be a minor harm to openness.
- 131 The five purposes of Green Belt is set out at paragraph 138 of the NPPF and it is relevant to consider whether the development would undermine these purposes. In turn, these comprise:
- a) To check the unrestricted sprawl of large built up areas
- 132 The site is already developed and urbanised in function and appearance. It forms part of a cluster of built development, being closely linked to the

commercial development on the northern part of the Upper Hockenden Farm site and sitting between this and the caravan park to the east. This cluster is contained by major roads - the A20 and the B2173, as well as Upper Hockenden Lane and is closely linked to other urban developments in the vicinity.

133 In its current condition, therefore, the site offers no role in checking the unrestricted sprawl of the urban area. The development would not harm this purpose.

a) To prevent neighbouring towns merging into one another

134 The site is a considerable distance from nearby settlements and is relatively small in size, contributing little to the gap between towns. It is also well contained by the A20 and Maidstone Road. Given the current character of the site, it forms no role as open space separating towns. The proposed development would not therefore harm this purpose.

a) To assist in safeguarding the countryside from encroachment

135 As the site is already developed, no further encroachment into the countryside would occur as a result of the development. There would be no harm to this purpose.

a) To preserve the setting and special character of historic town

136 Swanley would not be considered a historic town and the development would, in any event, be well removed from the heart of town and any historic assets. The development would not harm this purpose.

a) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

137 As the site does not form part of the countryside, and is part of an established commercial site in an appropriate location relating to the town, the development would not harm this purpose. It is also worth noting the current poor state of the site which would benefit from regeneration in itself.

138 Relevant to the above, the Green Belt Assessment undertaken in 2017 on behalf of SDC (in preparation for the previously emerging Local Plan) highlighted the parcel of land within which the application site lies as “weakly performing” Green Belt (referred to as Parcel RA-30). It noted that; ... “this area is ‘enclosed’ within the built-up area of Swanley, with development wrapping around to the east and north, and the A20 severing linkage to the wider countryside (Purpose 1). It is of a relatively small scale in terms of the wider gap to London to the west (Purpose 2) and has suffered encroachment from low density structures in the northern part, comprising retail, commercial and light-industrial uses. It is also strongly aligned with the prominent settlement edge to the east (Purpose 3).” In the context of that assessment, the site was recommended for further

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consideration, highlighting its potential for development without causing harm to the Green Belt.

- 139 Based on the above considerations, the proposed development would not result in harm to the purposes of including land within the Green Belt.
- 140 In summary, the development would have a greater impact on the openness on the Green Belt within the site and would therefore harm the Green Belt in principle. Significant weight must be attached to this harm. Taking into account the above assessment in its totality, however, I have found the harm arising from the development on openness and purposes of the Green Belt to be limited.

Principle of employment development in this location

- 141 It has been established that the site is in existing employment use, comprising a mix of office, light industrial and warehousing uses; based on the above consideration, it is concluded that over the passage of time, these uses have become lawful.
- 142 Core Strategy Policy LO1 states that development will be focussed within built confines of existing settlements, while Policy LO8 confirms that the extent of Green Belt will be maintained. Policy LO4, regarding development in Swanley confirms that “the local economy will be sustained through the regeneration and redevelopment of existing suitable employment sites to better meet the needs of business...”
- 143 Core Strategy Policy SP8 supports the sustainable development of the District’s economy through “the retention, intensification and regeneration of existing business areas primarily at Sevenoaks, Swanley, and Edenbridge and Major Developed Sites in rural areas, subject to Green Belt policy.” Sites used for business purposes will be retained in business use.
- 144 The site lies outside but adjoining the urban confines of Swanley, and is closely linked to the urban area. It is occupied by existing commercial uses and is physically integrated with the wider factory and warehousing operations on Upper Hockenden Farm site, with which it shares a site entrance. As detailed below, the site benefits from accessible links to Swanley Town Centre. Importantly for a distribution use, it has close connections with the A20, the M25 and the strategic road network.
- 145 Much of the existing site and buildings are in poor condition. These would be replaced by modern commercial premises, meeting current institutional standards for distribution warehousing and associated industrial/office space. The applicant has described within their submission the expectations for modern warehouses, and provided examples of such facilities in the area - the proposed buildings would address these requirements.
- 146 Of relevance, the August 2022 Sevenoaks Economic Needs Study, prepared as evidence for the emerging Local Plan, highlights the strong demand for general industrial and logistics space in the District and recommends that

the Council seeks to find ways to enhance provision “particularly in the north of the District”. Recognising Green Belt constraints, the Study also recommends that SDC works with neighbouring authorities to build a case of ‘exceptional circumstances’ to deal with demand for industrial and logistics space in the Green Belt in the northern part of the District in and around Swanley. Local Authority Monitoring Reports, in contrast, have identified a steady decline in employment floorspace across the District, against a defined need for 11.6 hectares of additional employment land up to 2035.

- 147 This delivery of modern employment space on the site would therefore meet the policy requirement to retain and redevelopment employment sites, and would respond to an identified need within the District. This need is considered further in the Very Special Circumstances section later in the report.
- 148 I note that one of the buildings on the site, a single storey, flat roofed structure fronting Hockenden Lane, was previously used by the Swanley Gospel Full Gospel Church. It is understood from the applicant that this was constructed as a garage/store, as evidenced by its appearance, and its use ceased a number of years ago. Policy CF2 of the ADMP resists the loss of services and facilities within the urban areas where they are serving a local need. The building is, however, modest in scale, in poor condition and, any need it served in the past, has now departed the site. The building is now redundant. There have been no comments or objections regarding the presence of the church. In this context, and in light of provision of other church facilities within Swanley, that the removal of this building and the loss of its former use is acceptable in light of the more pressing need for employment floorspace.
- 149 In conclusion, and subject to the further consideration of Green Belt Policy, the proposed development would deliver on the employment objectives of Policies LO4 and SP8 and would help deliver on a current, identified need for distribution floorspace within the District.

Impact on the Character of the Area

- 150 The relevant policies relating to design and the character of the area are Policies EN1 of the ADMP and SP1 of the Core Strategy. The NPPF highlights good design as a key aspect of sustainable development, creating better places in which to live and work and making development acceptable to communities (para.126). Planning decisions should ensure developments function well and add to the quality of an area over the lifetime of the development, are visually attractive and are sympathetic to local character. They should also optimise the potential of the site to accommodate an appropriate amount and mix of development (paragraph 130).
- 151 The site does not form part of a defined Landscape Character Area within the Sevenoaks Landscape Character Assessment (January 2017).
- 152 The character of the site is defined by its current and former uses, dominated by a cluster of commercial and former agricultural buildings, set

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around yard space which is used for open storage and repairs. It forms part of the larger Upper Hockenden Farm site that is now dominated by the large buildings and uses associated with the Ming Foods and Meat Factory operations. The site is closely integrated with the Swanley urban area and surrounding developments, and is dominated by the road infrastructure binding it on two sides.

- 153 Overall, the site itself is considered of no townscape or landscape value, with poor quality buildings and surfacing located within the urban fringe. The only area of distinctiveness is in the dense boundary landscaping and, in particular, the prominent row of poplars along the western boundary with the A20. Much of the boundary landscaping to Hockenden Road is of limited quality in itself, except insofar as it replicates the hedgerow lined lanes characteristic of the area.
- 154 Beyond the site boundary to the site boundaries, and to the east and north of the A20, the landscape is characterised by settled farmland, with gently undulating slopes overlain by agricultural fields and scattered farmsteads and built development. The character and screening around the site results in it being spatially separated from the countryside beyond.
- 155 The site sits in a natural depression and, with the screening afforded to the site by boundary planting and surrounding development/road infrastructure, has limited visibility from surrounding views. These are limited principally to immediate, glimpsed views from the adjoining roads, with some seasonable glimpsed views from the surrounding countryside. This is illustrated in the accompanying Landscape and Visual Appraisal.
- 156 The proposed development will undoubtedly change the character of the site, which would be dominated by the large distribution warehouse in the south west corner of the site. This warehouse would, however, be set within the lowest part of the site and further sunken into the ground and ‘tucked in’ between the existing warehouse units to the north, the A20 to the west and Hockenden Lane to the south.
- 157 The new buildings would have a modern finish, in keeping with the existing buildings on the northern part of the Upper Hockenden Farm site - they would be modern commercial buildings typical of its usage. The applicant has chosen a palette of materials representative of this building typology through the use of a combination of profiled and flat metal cladding and glazing to the office elements. It is proposed that the external cladding have graded colouring, with darker green panels transitioning to lighter green at higher levels, intended to help the building blend with the landscape.
- 158 The hipped roof of the main warehouse would be set within the roof scape to minimise the impact of this structure, avoiding the need for greater eaves height.
- 159 As noted above and further below, there is substantial landscape screening along the boundaries which would be reinforced as part of the development.

Over time, this would further screen views of the development from external vantage points, helping soften buildings and integrate the development into the townscape. Some further tree and landscape planting would be undertaken within the site boundaries, again having a softening effect and improving the quality of the environment.

- 160 Overall, I consider that the applicant has adopted a sensitive approach to delivering a substantial commercial development on the site, using the site's topography and characteristics to minimise the impact of the development. With appropriate landscaping, while it would be visible given its scale, the development would sit comfortably on the site and integrate successfully into the surrounding area. It would therefore accord with the national and local policy requirements highlighted above.

Impact on Residential Amenity

- 161 Paragraph 130 of the NPPF states that planning decisions should ensure developments meet a number of requirements, including creating places that have a high standard of amenity for existing and future users.
- 162 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by complying with a number of criteria. These include preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 163 At paragraph 185, it states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 164 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of nearby properties. ADMP Policy EN7 states that proposals that meet the following criteria will be permitted:
- a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and
 - b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 165 The application forms part of an existing commercial site, which influences the noise environment in the vicinity. The residential properties most likely

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to be affected by the development are the two properties that share a boundary with the site to the east, also within the applicant's ownership.

- 166 The boundary of the southern property is 30 metres east of the proposed main warehouse, the west elevation of the house lying approximately 34 metres from the facing elevation of the main warehouse. The proposed loading docks and servicing yard lie between the warehouse and the existing dwellings. The boundary of northern dwellings lies adjacent to the access road; its west elevation approximately 19 metres from the proposed group of smaller units close to the site entrance.
- 167 The land rises between the application site and the dwellings to the east and the application proposes the inclusion of additional tree planting and fence on this boundary.
- 168 A Noise Impact Assessment has been submitted with the application, which considers the existing noise environment (which is dominated by road traffic noise and the noise generated by the existing commercial activities on the site) and assesses the impact of the proposed operations on noise received at the residential properties. This includes consideration of noise breakout from the buildings, vehicle movements, noise from deliveries (including maximum noise emissions from sources such as doors slamming, engine ignitions etc.) and plant noise.
- 169 The Assessment concludes that all operational noise sources can be effectively mitigated such that there would be a negligible impact on local receptors. This is dependent on a number of mitigation factors that would be subject to condition, including the installation of a 2.4 metre acoustic barrier on the eastern boundary of the site and the control of noise levels of the proposed operations and plant. A noise management plan for the management of noise within the service yard (e.g. use of reversing alarms, control of running engines etc.) is also required.
- 170 Noise at the construction phase would also be controlled through a Construction Management Plan, to be agreed with the local planning authority before works commence.
- 171 SDC Environmental Health Officers have been consulted on the application and the required conditions and are in agreement with the noise mitigation measures proposed. With the imposition of the proposed conditions, it is considered that an appropriate noise environment can be maintained for the adjoining residents.
- 172 Air quality

To ensure any impacts on air quality are addressed and managed, the applicant will be required to submit an air quality assessment, including recommendations for appropriate mitigation measures, prior to commencement of development. Measures to mitigate air quality impacts during construction, including the control of dust, would form part of a

Construction Management Plan. As agreed with our EHO, both of these requirements can be controlled through conditions.

173 Contamination

174 SDC's Environmental Health has reviewed the Phase 1 Geoenvironmental Assessment submitted with the application and confirms its findings as reliable. The Assessment finds that the site is likely to be suitable for the proposed commercial end use, subject to further intrusive site investigations and appropriate remediation and validation testing. The Officer has recommended conditions to ensure the necessary decontamination works are implemented. Conditions are also proposed by the Environment Agency to ensure the protection of ground water sources from pollution.

175 With the recommended conditions, I am satisfied that contamination can be appropriately addressed such that the site and development would not pose unacceptable risks to human health or to ground water sources, property and ecological systems.

176 Outlook, visual amenity and privacy

177 The existing dwelling on the east boundary of the site, closest to Hockenden Lane, has open views westwards towards the existing buildings and commercial operations. The northern dwelling, Russet House, faces Maidstone Road and is well separated from the existing and proposed buildings with garden space and mature trees, as well as boundary fencing.

178 The existing sporadic and largely poor quality buildings and the dilapidated, untidy site would be replaced by a smaller number of larger, modern buildings, with the main warehouse set further into the site at a greater distance from the existing houses. The proposed servicing and distribution yard would lie between the buildings and the eastern boundary. With the access to the southern-most house re-sited onto Hockenden Lane, a new boundary fence and additional tree planting can be established on top of a buffer mound along the full length of the east boundary; this would provide screening between the dwellings and the development. With this in place, it is considered that appropriate outlook and visual amenity would be established. In the same way, the privacy of residents would be protected.

179 Potential adverse impacts from lighting from the buildings and within the servicing yard would also be partially mitigated with the proposed boundary screening. The detailed specification, location and management of lighting can further be controlled by condition to prevent harmful glare into the adjoining dwellings, in accordance with ADMP Policy EN6.

180 In conclusion, the development would preserve residential amenity in accordance with the above policies.

Highways, Access and Parking

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- 181 Paragraph 111 of the National Planning Policy Framework states that; ...
“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 182 ADMP Policy T1 states that new development will be required to mitigate any adverse impacts that could result from the proposal. Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision for non-residential developments should be made in accordance with advice by Kent County Council as the Highway Authority. ADMP Policy T3 seeks the delivery of electric vehicle charging points.
- 183 Access and movement
- 184 The site access would be retained in its current form and it has been demonstrated through the submission, and confirmed by the Highway Authority, that the access is appropriate for the proposed use. The assessment of the access has taken into account surveyed traffic speeds along this stretch of road and accident data, which showed no accidents associated with the current access. Appropriate visibility splays of 104 metres x 2.4 metres to the west and 90 metres x 2.4 metres to the east can be provided and planning permission would be conditional on these being in place prior to occupation and for the life of the development. A condition is also proposed that would secure the upgrade of road markings in the vicinity of the entrance to ensure the road layout is clear and is used safely.
- 185 Trip generation is predicted within the Transport Assessment utilising data from the TRICS (Trip Rate Information Computer System) database, which provides a source of data on trip rates for types of development in the UK and is used as an industry standard. The results show that, assuming a ‘worst case scenario’, 23 two-way vehicle trips would be generated in the morning peak and 19 two-way vehicle trips in the afternoon peak. The Highway Authority has commented that, “considering the direct access onto Maidstone Road (B2173) this level of traffic generation is not considered significant and is not of concern to the Highway Authority.”
- 186 The internal layout offers sufficient circulation space within the site, including for delivery vehicles, as illustrated within swept path diagrams submitted with the application.
- 187 Opportunities exist for employees to access the site by more sustainable modes of transport, in line with the sustainable travel objectives of Core Strategy Policy SP2 and the NPPF. Swanley town centre is approximately 1.4kms to the south east and is served by a mainline rail and bus services. From the site, there is a segregated cycle path / footway along the northern side of Maidstone Road / London Road into the town centre, and a bus stop 70 metres east of the site entrance with buses running every 20 minutes into the town. The westbound bus stop on Maidstone Road, which provides services towards Sidcup and Eltham, is within 250m walking distance.

- 188 It has been highlighted by the Highway Authority that there is currently no footway on the southern side of Maidstone Road linking the site access with the pedestrian crossing point to the west of the site entrance, that would provide access to the wider footway and cycle path network, as well as the eastbound bus stop. A condition is therefore proposed requiring that, prior to occupation, the applicant secures footway improvements, including the construction of this footway link on this side of the road.
- 189 Further, the applicant has provided an outline Travel Plan Statement, with the intention of encouraging active travel and reducing single occupancy vehicle trips. This proposes potential measures such as adopting a local recruitment initiative, flexible working to facilitate use of non-car modes, and provision of travel information to staff. A detailed Travel Plan would be secured by condition.
- 190 The scheme proposes the creation of a separate access to the residential dwelling, Rlddings, to the east of the site onto Hockenden Lane. To ensure the safety of this access, a condition would control the provision of visibility splays, and prevent any entrance gates being positioned within 6m of the highway. This has been confirmed as acceptable with the KCC Highways Officer.
- 191 Parking
- 192 As noted, Policy T2 requires that parking for non-residential developments should be made in accordance with advice from the Highway Authority. In this respect, the parking provision for the proposed development has been subject to extensive discussions with KCC, which has resulted in both changes to the number of car parking spaces (an uplift from the original application) and to the proportion of floorspace allocated to the different commercial uses forming part of the proposed development.
- 193 The outcome is that 50 parking spaces are proposed within the development, which the Highway Officer notes is slightly short of the maximum KCC Parking Standard of 55 spaces. The calculation is based on certain assumptions about the proportions of floorspace allocated to E(g) offices and B2 industrial, as the standards set a higher provision of car parking spaces for these uses than for B8 Distribution and Storage. The Highway Authority has confirmed that the provision of 50 spaces is appropriate subject to limitations on the proportion of Class E (g) and space to 10% of the total floorspace each. The applicant has agreed that this is appropriate in respect of the proposed operation of the site; these limits would be enforced by condition.
- 194 The proposed site plan indicates that six of the car parking spaces (more than 10%) would be installed with Electric Vehicle Charging Points. This is accepted as appropriate and in line with the objectives of Policy T3.
- 195 The development would provide 66 secure cycle spaces, which is considered appropriate and would help facilitate this non-car mode of travel.

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- 196 Overall, the proposals for highways, access and parking are deemed appropriate and in line with policy.

Ecology and Biodiversity, including impact on trees

- 197 Paragraph 174 of the NPPF sets out a number of principles relating to the conservation and enhancement of the natural environment. This includes the requirement that development should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Development resulting in significant harm to biodiversity should be avoided, adequately mitigated or compensated for, or, as a last result, refused (para.180). Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 198 Policy SP11 of the Core Strategy states 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 states that proposals should incorporate natural features such as trees and hedges.
- 199 The application site is currently almost entirely developed, covered by buildings and hard surfacing. There are, however, trees and boundary planting around the site, particularly on the border with Hockenden Lane and the A20, including a prominent line of poplar trees adjacent to the A20. Buildings within the site, given their age and condition, could provide potential bat roosting features.
- 200 An ecological survey has been provided by the applicant, which finds that habitats on the site are of low ecological value. Three buildings are identified as having some potential bat roosting features. For these buildings, a soft approach to demolition is recommended as a precautionary measure; this relates to the timing of demolition and method of dismantling the structures. Further ecological mitigation and enhancement measures are included within the ecological survey, including proposals to create new wildlife habitats within the developed sites.
- 201 The KCC Ecology Officer has reviewed and verified the information provided by the applicant; she confirms the limited potential of the site as a habitat for wildlife. In light of the information provided, and the recommendations set out within the Ecological Survey report, the officer has proposed that planning permission be subject to conditions requiring a biodiversity method statement to be secured for the preservation and enhancement of ecology on the site, and for a bat-sensitive lighting plan to be submitted and approved.
- 202 The proposals will result in the loss of two trees, including one moderate (tree 'T4' - False Acacia) and one low value (tree 'T6' - Eucalyptus) tree. In addition, one mixed hedgerow along Hockenden Lane will be cut back and two groups of trees in the vicinity of the new access to the dwelling on Hockenden Lane and on the eastern boundary will be partially or fully

removed. Trees along the eastern and western boundary, including the prominent row of poplar trees on the west, would be retained and subject to tree protection measures during the demolition and construction process.

- 203 A landscaping plan is submitted with the application which identifies substantial areas of mounding and tree and hedgerow planting along the boundaries of the site, including the reinforcement of the row of poplars on the western boundary with the A20 and planting/mounding along Hockenden Lane and along the site's eastern boundary. This would help screen and soften the development from surrounding views, helping it blend with the surrounding countryside and provide biodiversity benefits. There is the opportunity to increase the amenity and biodiversity value of the boundary landscaping, particularly along Hockenden Lane.
- 204 I note that the requirement for appropriate visibility splays in the location of the proposed Hockenden Lane access to Riddings will influence the position of planting in the vicinity of this access; notwithstanding this, I am satisfied that a robust landscaping strategy can be delivered. This would be secured through a condition, which will require that the planting scheme focus on native, biodiversity rich species selection.
- 205 Overall, the scheme would allow for the conservation of biodiversity assets and, through additional planting and screening, could deliver a net benefit in terms of landscape and biodiversity.

Flooding and drainage

- 206 In line with the requirements of the NPPF, a Flood Risk Assessment and Surface Water Drainage/ SuDs Strategy accompanies the application. This examines the drainage characteristics of the site and its potential for flooding, and the practical opportunity to incorporate sustainable urban drainage systems (SUDS).
- 207 The site lies within Flood Zone 1 where there is a low probability of flooding, meeting the objectives of the NPPF to direct development away from areas of high flood risk. Parts of the centre of the site, in the location of the proposed servicing yard, are identified as being at risk of surface water flooding. The Assessment notes that this is due to the localised site topography, where low lying ground creates the opportunity for water to pool during storm events.
- 208 The data analysed indicates that the soil profile of the site, comprising underlying sand, is compatible with the use of infiltration techniques for surface water drainage, as prioritised by national policy set out within the Planning Practice Guidance. It proposes that the site would drain to a large (28m x 28m) soakaway beneath the servicing yard, which would be sufficient to accommodate a 1 in 100 year (plus 40% climate change) event.
- 209 The Lead Local Flood Authority has confirmed that the proposal for an on-site soakaway is likely to be acceptable given the geology of the area, subject to further testing and the submission of a detailed surface water

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drainage scheme for approval by the Council, in consultation with the flood authority, before development begins. This scheme should also demonstrate that the system would prevent silt and pollution resulting from the site's use entering ground water.

- 210 Taking into account the assessment provided, and the comments of the flood authority, I am satisfied that the development can be provide appropriate drainage without increasing flood risk elsewhere.

Community Infrastructure Levy (CIL)

- 211 As an application for commercial development, this proposal is not CIL liable.

Very special circumstances

- 212 As set out above, the proposal would represent inappropriate development in the Green Belt under the Policies of the NPPF. Paragraph 148 of the NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given 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 any other considerations.

- 213 Local Planning Authorities “should ensure that substantial weight is given to any harm to the Green Belt” and it is for the decision maker to decide whether “the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

- 214 There are no defined tests or criteria for assessing what a case of very special circumstances amounts to and how much weight should be afforded the benefits and harms.

- 215 I have identified the harms as:

- The harm in principle from inappropriate development;
- Actual harm to openness, principally within the site boundaries and with limited harm from outside the site.

- 216 In contrast, I have found no harm to the purposes of Green Belt and I have found limited harm to openness beyond the site boundaries, given the existing characteristics of the site.

- 217 In this instance, the potential very special circumstances are as follows:

- Need for employment land.
- Efficient use of land.
- Contribution to sustainable development.

- 218 These are addressed below.

- 219 Need for employment land
- 220 The development would provide 4409.48 m² (GEA) of modern commercial floorspace, predominantly within B8 storage and distribution use, on a site of almost one hectare.
- 221 Paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, and that “significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.” Planning decisions should, it states, recognise and address the specific locational requirements of different sectors (para.83).
- 222 Identified above is the support offered by Core Strategy Policy SP8 and LO4 for the retention, regeneration and intensification of existing employment sites within the District, and particularly within the urban areas. More recent evidence further highlights the growing need for this type of floorspace in the District.
- 223 In particular, the Sevenoaks and Tunbridge Wells Economic Needs Study, 2016 identified an assessed need for 11.6 ha of additional employment land in the District to 2035, including a requirement for 4.4 ha of industrial and warehouse development (Table 8.15). It notes that this “... represents a recommended minimum requirement.” (paragraph 8.84). In concluding, this report recommends (at para.10.22) that the Council:-
- “Identifies new allocations to accommodate demand, particularly for B1a office and B8 storage and warehouse occupiers, with consideration of sites which may be suitable for a mix to B1-8 uses to accommodate potential demand arising from B1c/B2 occupiers. Areas of the District where new supply would be met with demand include:
- areas close to main arterial roads, where accessibility to the highway network for business operations is quick;
 - areas which are close to public transport nodes or sites which have space for ample car parking for staff and customers will also be met with demand; and
 - areas which have a critical mass of employment uses and amenities. These areas will be attractive to investors and occupiers, as the highway and public transport infrastructure will already be in existence.”
- 224 In contrast, the Council’s Authority Monitoring Reports (AMR), which review the provision of employment land against the objectives of the Core Strategy, show a consistent long-term decline in employment floorspace across the District, the AMR from 2018/19 showing a net loss of 9,460m² employment floorspace across the District in that year, following similar levels of loss across the District in the preceding two years.

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- 225 The Sevenoaks Economic Needs Study 2022, prepared to inform the current emerging Local Plan, provides a more recent source of data. This shows that the District has lost approximately 57,700m² of employment floorspace between 2008-9 to 2021-22.
- 226 In terms of demand, the above 2022 Study notes that the industrial market nationally has benefited in recent years from a rise in demand for distribution facilities, driven in large part by the growth in online retailing, reinforced by the pandemic and the trend to work from home. Despite recognising the strategic location of Swanley, the shortage of such industrial premises in the District is highlighted. The demand for general industrial and logistics space in the District is recognised and the report recommends that the Council seeks to find ways to enhance provision, particularly in the north of the District in and around Swanley. In total, it recommends that an additional 5.7ha of employment land is identified in the forthcoming local plan.
- 227 The applicant has also provided additional third party research and evidence that underlines the need case. This includes reference to research undertaken for the UK Warehouse Association in 2021, which evidences the significant growth in the warehouse and distribution sector, particularly as a result of online retail spending (it pinpoints a 32% rise in warehousing since 2015). The applicant notes the link between the increase in housing need and the need for logistics space, drawing on evidence from the British Property Federation that 6.4 m² of space is needed for every home in England.
- 228 The applicant has offered further evidence of demand for logistics space in the vicinity of the application site, including a “Schedule of Live Industrial and Logistics Enquiries” by Glenny property consultants. This contains evidence of a large number of enquiries from firms requiring logistics space of the size proposed in this broad location. A letter from Locate in Kent - the inward investment agency for Kent - confirms it has over 20 businesses looking for sites of between 0.81 - 4 ha for “yard space” in variety of formats.
- 229 Taking into account all the evidence provided, including the Council’s own evidence of need for additional employment floorspace and a general decline in floorspace over the past decade and more, I consider that there is a considerable, unmet need for such space within the District and specifically around Swanley.
- 230 The application would provide modern commercial floorspace, meeting demands for both large floorplate, large volume distribution space and smaller, flexible industrial and storage/distribution space. The applicant has provided evidence of the “institutional standards” for distribution space, in terms of floorspace, ceiling heights and volumes, that are necessary to ensure the operational efficiency and rental value is achieved; the proposed warehouse would fulfil these space standards. The site is also located close to London, with ready access to the A20 and M25 that meets the locational

requirements of this industrial sector. It also responds to a need defined by SDC evidence for more distribution floorspace in the northern part of the District, around Swanley.

- 231 The development would therefore provide an important contribution to the meeting the needs for employment floorspace in the District.
- 232 I attach significant weight to this very special circumstance.
- 233 Efficient use of land
- 234 The NPPF emphasises the need to make effective use of land in meeting the need for homes and other uses (para.119). Substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs, and to promoting the use of underutilised land and buildings (para.120). Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account identified needs for development, and the availability of land suitable for accommodating it.
- 235 It has been recognised that the site is already developed and accommodates a variety of commercial operations. The site and many of the buildings are in poor condition, with a number of buildings that appear to be reaching the end of their useful life and the site becoming dilapidated and subject to pooling of rainwater. The site has a close physical link to and appears integrated with the Ming Food / Meat Factory site to the north. Despite its designation as Green Belt, it appears as an urban site that is enclosed by development and closely linked with Swanley.
- 236 The site therefore offers the opportunity for regeneration to meet development needs in the District in a way that makes more efficient use of the land. As noted by the Parish Council, given its surroundings, it is well suited to employment development, which offers the opportunity to regenerate the site with modern, commercial units. The need for additional employment land is addressed above, which suggests that the development would make an important contribution to addressing employment land needs.
- 237 In this regard, the efficient use of the application site to meet development needs should be given moderate weight.
- 238 Contribution to sustainable development
- 239 The NPPF states that the purpose of the planning system is to contribute to sustainable development (paragraph 7). This combines economic, social and environmental objectives. ADMP Policy SC1 similarly seeks to secure development that improves the economic, social and environmental conditions in the area.
- 240 The contribution of the development to economic objectives through the delivery of modern commercial floorspace has been noted. Meeting both

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social and economic objectives, the development would also increase employment opportunities, with the planning application estimating that there would be 60 full-time equivalent employees on site (although the end user has yet to be established).

- 241 The development, as noted, is in a sustainable location, closely linked to the urban area of Swanley, with good connections into the town and with opportunities for sustainable form of travel. The plans have also designated parts of the roof as potential locations for photovoltaic panels, and the Design and Access Statement confirms the intention to install these. To ensure high levels of environmental performance are achieved, a condition can be applied requiring that the buildings meet a BREEAM Excellent Rating, in line with Policy SP2. The submission of a scheme for the delivery of the solar panels or alternative source of renewable/low carbon energy would also secure their delivery. In addition, the development would deliver the landscaping and ecological enhancements outlined above.
- 242 The scheme would, therefore, contribute to the delivery of sustainable development. I attach moderate weight to this.
- 243 Conclusion on very special circumstances
- 244 Balancing the above case for very special circumstances against the harms identified, I consider that there are very special circumstances that clearly outweigh the harm to Green Belt that would justify the proposed development in this instance.

Conclusion

- 245 The proposed development constitutes inappropriate development in the Green Belt which is harmful in principle to the Green Belt. While I have identified some harm to the openness of the Green Belt within the site as a result of the increased scale of built development and intensity of the proposed use, I have found limited harm to the Green Belt overall. This is influenced significantly by the existing developed character of the site and wider parcel of land and its relationship with the urban area.
- 246 The very special circumstances identified above, have been considered, most notably the contribution to meeting demand for employment floorspace and land, and have concluded that these clearly outweigh the harm to the Green Belt. No other harms have been identified. I have, therefore, found that the development would meet the requirements of Green Belt Policy set out in the NPPF.
- 247 Further, the development would appropriately preserve the amenity for neighbouring residents and maintain highway safety for all users, also promoting opportunities for sustainable travel. The development would conserve and enhance biodiversity and landscaping, and would achieve high standards of sustainability. The development would make efficient use of developed land closely linked to the urban area.

- 248 In all other ways, I consider that the development would contribute to the achievement of sustainable development.
- 249 Recommendation: That this application be GRANTED subject to terms and conditions outlined above.

Background papers

Site and block plan

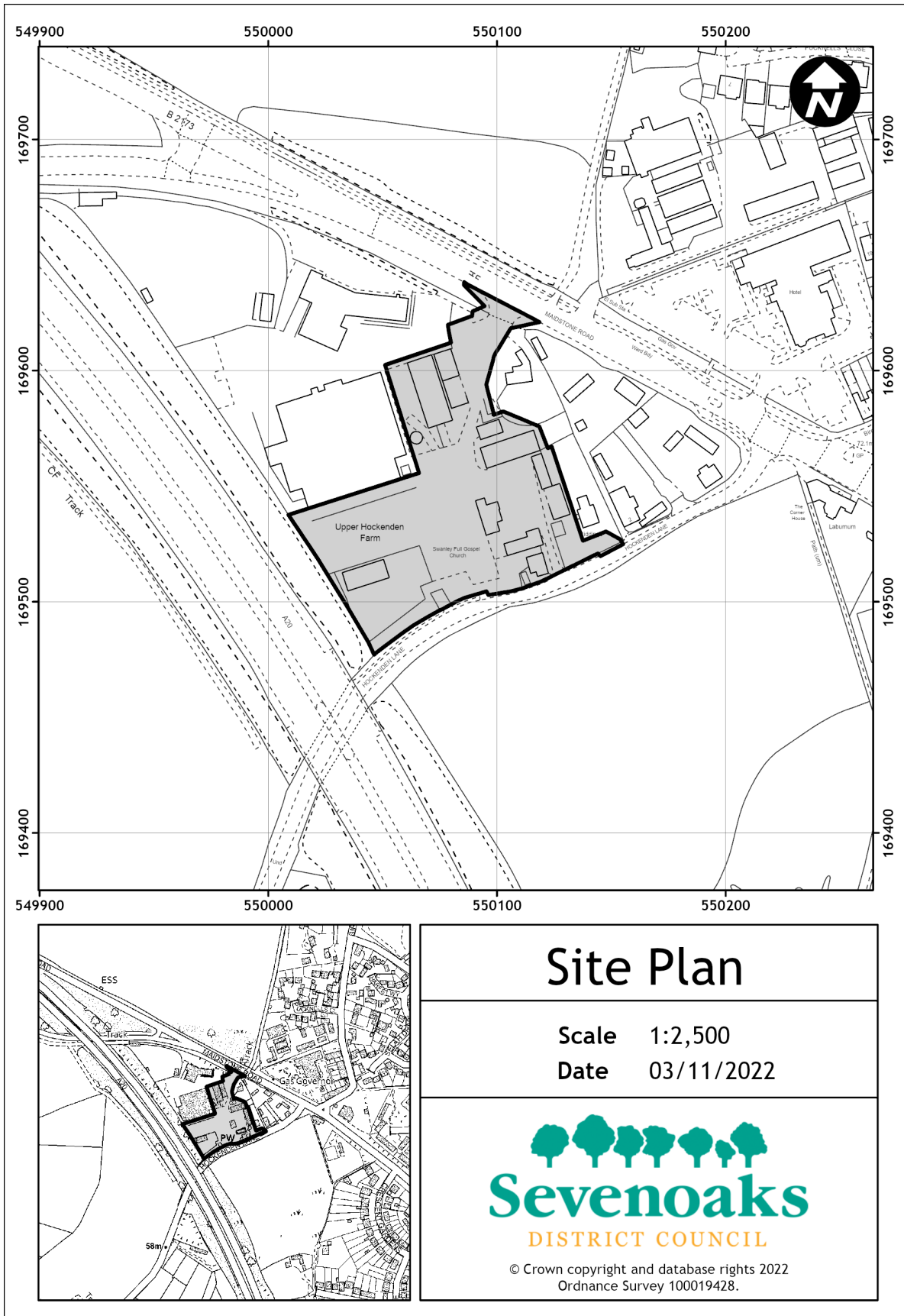
Contact Officer(s):

Nicola Furlonger 01732 227000

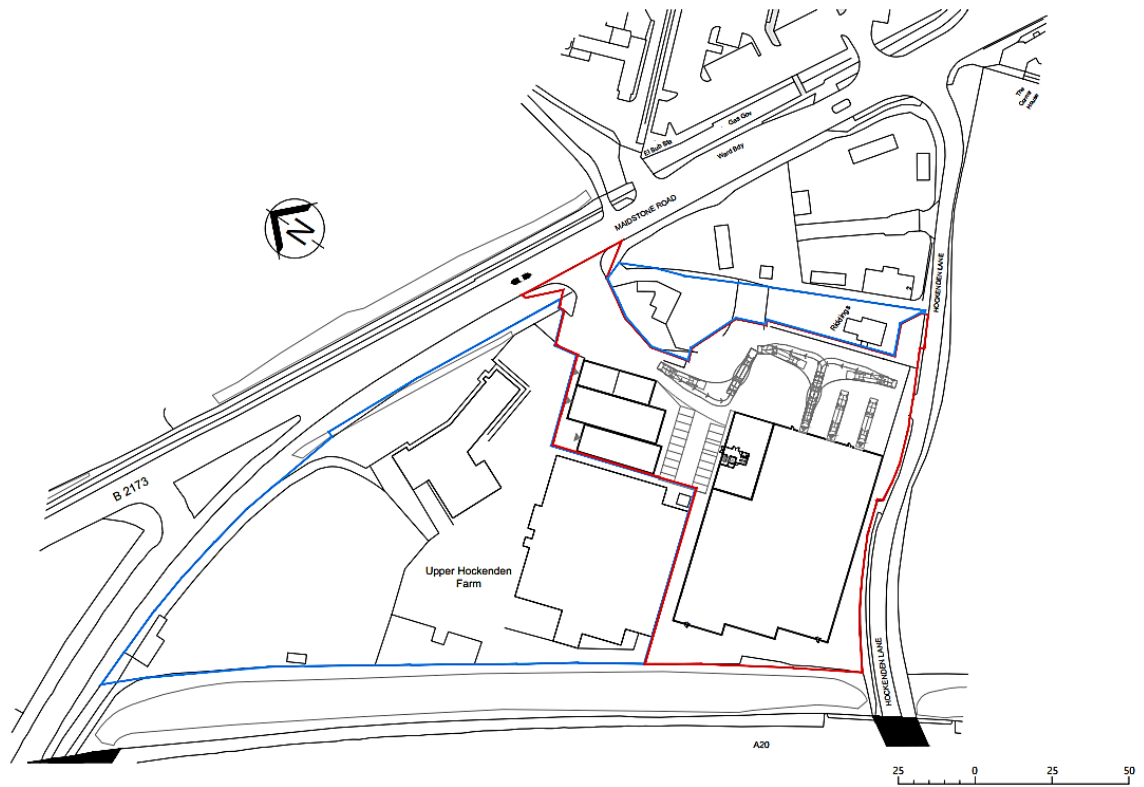
Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



BLOCK PLAN



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Planning Application Information on Public Access - for applications coming to

DC Committee on Wednesday 30 November 2022

4.1 - Upper Hockenden Farm, Hockenden Lane, Swanley Kent BR8 7QH

[Link to application details:](#)

[Link to associated documents:](#)

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