

01 June 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 23.05.23

This meeting will be livestreamed to YouTube here:

[https://www.youtube.com/channel/UCIT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g).



# Development Management Committee

## Membership:

TBC at Annual Council on 23 May 2023

## 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. <b>Minutes</b> To approve the minutes of the meeting of the Committee held on 27 April 2023, as a correct record.	(Pages 1 - 12)	
2. <b>Declarations of Interest or Predetermination</b> Including any interests not already registered.		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
4.1 <b>22/00512/OUT - Sevenoaks Quarry, Bat And Ball Road, Sevenoaks Kent TN14 5SR</b>	(Pages 13 - 136)	Nicola Furlonger Tel: 01732 227000
An outline planning application for: up to 800 residential dwellings (Class C3), up to 150 residential institutional units (Class C2), business, retail, leisure and sports uses (Class E); new primary school (Class F1); community uses (Class F2), re-use of former Oast House and existing barn off Childsbridge Lane, green open spaces including parks, play spaces, ecological areas and woodlands; vehicular accesses from Bat and Ball Road, Childsbridge Lane		

and Farm Road; associated infrastructure, groundworks and demolition; with all matters reserved.

- 4.2 **22/02053/FUL - Plot 4, Grazing Land South Of Viaduct Terrace, Horton Road, South Darenth, Kent** (Pages 137 - 164) Hayley Nixon  
Tel: 01732 227000
- Change of use of the land for the stationing of 3 touring caravans for occupation by an extended Romany Gypsy family
- 4.3 **22/01134/FUL - Coles Farm, Bore Place Road, Chiddingstone, Edenbridge, Kent TN8 7AP** (Pages 165 - 182) Louise Cane  
Tel: 01732 227000
- Convert and reconfigure an existing agricultural barn into stables, tack room and hay store. Construct a new private sand school for home and personal use.

#### 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](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Friday, 26 May 2023.

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.

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](mailto:democratic.services@sevenoaks.gov.uk).

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**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 27 April 2023 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Cheeseman, Perry Cole, Edwards-Winsler, Layland, McGarvey, Purves, Williams and Streatfeild

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

Cllrs. Bonin and Fleming were also present.

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

73. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held 30 March 2023, be approved and signed by the Chairman as a correct record.

74. Declarations of Interest or Predetermination

Cllr Streatfeild declared for Item 4.1 - 22/00179/ADV that he was the Kent County Councillor for the area.

75. Declarations of Lobbying

Cllrs Layland, Pett, Purves, and Streatfeild declared that they had been lobbied in respect of Minute 77 - 22/03067/FUL - Causeway House, Tonbridge Road, Chiddingstone Causeway, Tonbridge, Kent TN11 8JP

76. 23/00179/ADV - Outside Sevenoaks Post Office, South Park, Sevenoaks Kent TN13 1AA

The proposal sought permission to display illuminated advertisements on two digital 75 inch LCD display screens which project back-to-back within a self-standing "street hub". The application had been referred to the Committee by Cllr Fleming on the basis of visual impact, and the impact on highways safety.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

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Against the Application: -

For the Application: -

Parish Representatives: Cllr Bonin

Local Members: Cllr Fleming

Members asked questions of clarification from the officer.

The officer explained all advertisements on the screens would be static, and that this would be enforced by a condition. The planning permission for the hub itself was a separate application, but notice needed to be served to Kent County Council before it could come before it could advance. The intensity of the illumination of the advertisements, as conditioned, would be 600 cd/m<sup>2</sup>, which was below the recommended maximum of 1000 cd/m<sup>2</sup> for suburban areas.

It was moved by the Chairman that the recommendations within the report, be agreed.

Members discussed the application. They expressed concern over the impact of the screens on the designated and undesignated heritage assets in the area. They discussed the other advertisements in the area, which were on the sides of buildings and railings, and how the screens would impact the street scene to a greater extent than these. They further considered the possible distraction the illuminated advertisements provided for motorists.

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

It was moved and duly seconded that the consent for advertising be refused on the grounds of street clutter harmful to the visual amenity of the area contrary to Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

The motion was put to the vote and it was

Resolved: that permission to display illuminated advertisements be refused on the following grounds:

The advertisements, due to their prominent position close to designated and undesignated heritage assets would result in street clutter harmful to the visual amenity of the area contrary to Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

77. 22/03067/FUL - Causeway House, Tonbridge Road, Chiddingstone Causeway  
Tonbridge Kent TN11 8JP

The proposal sought planning permission for the demolition of existing buildings and erection of 18NO. residential units with vehicular access, parking, carports, electricity substation and hard and soft landscaping. The application had been referred to the Committee as the recommendation was contrary to the Parish Council objection, and in the absence of a Local Ward District Councillor.

Members' attention was brought to the main agenda papers and the late observations sheet, which did not amend the recommendations.

The Committee was addressed by the following speakers:

Against the Application:	Kris Das
For the Application:	Tracey Puttock
Parish Representatives:	-
Local Members:	-

Members asked questions of clarification of the speakers and the officer.

The officer explained that there was no affordable housing included within the plan due to its Vacant Building Credit, in line with policy SP3 of the Local Plan and Paragraph 64 of the National Planning Policy Framework. The existing access would be closed off and a new access opened. Condition 11 prevented this new access from being opened until the off-site improvements were complete. There would be no overall loss of trees, as the removed conifers would be replaced with native trees. The plans and conditions imposed would reduce the flooding issues of the site, including surface water flood storage tanks. The scheme also reduced the site coverage of buildings, which would reduce flooding. The water course along the boundary would be maintained by the management company. The developer had accepted requests for additional road safety features, but these elements would be considered by Kent County Council separately from the planning process.

It was moved by the Chairman that the recommendations within the report, be agreed.

Members discussed the application. They expressed concern regarding the lack of affordable housing, and how that would limit the number of Chiddingstone Causeway residents that could afford the properties. They acknowledged the benefits of developing the currently vacant properties and noted the Parish Council's comments within the late observations.

The motion was put to the vote and it was

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Resolved: that

A) planning permission be granted subject to the imposition of the following conditions:

a) The conditions set out below, subject to any minor changes to wording

being agreed in writing by the Chief Officer for Planning and Regulatory Services, and

b) A satisfactory legal agreement made under section 106 of the Town and

Country Planning Act 1990 (as amended) being completed within three months of the date of the decision, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services.

#### Section 106 Agreement

The Section 106 Agreement shall include the following requirements:

KCC Primary and Secondary Education Contributions - Total - £172,240.02

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1000 PL Rev.A, 1005 PL Rev.C, 1006 PL Rev.C, 1010 PL Rev.D, 1011 PL Rev. B, 3000 PL Rev.D, 3005 PL Rev.E, 3010 PL Rev.C, 3015 PL Rev.E, 3016 PL Rev.E, 3020 PL Rev.C, 3025 PL Rev.B, PLAN EC04 Rev.A, 0554/22/B/20, 2022/6560/001/P4 - Design and Access Statement dated Nov 2022, Aboricultural Assessment and Method Statement Ref: AIA.CHCC2210 dated Oct 2022, Ecological Assessment Ref: 1076M.EcoAss.vf dated 2022, Flood Risk Assessment - LDE Ref: 680724-R1(0)-FRA dated 2022, Foul Drainage and Utilities Assessment RSK - Ref: 134274-FPU-01, Contamination Assessment Ref: 52429-CONT-01, RSK Acoustic Noise Assessment Report Ref: 2061130-RSK-001-(03) dated Oct 2022, Planning Statement, Streetscape Assessment dated October 2022 Issue 2, Energy and Sustainability Statement dated October 2022, RPG - Transport Statement Ref - 2022/6560/TS01 dated Nov 2022.

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

3) Prior to above ground works (excluding clearance and demolition operations), further details of the materials to be used in the construction



of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place within the site a detailed bat mitigation strategy must be submitted to and approved by in writing by the local planning authority. Details must be based on the information submitted within Ecological Assessment (Ecological Assessment; October 2022) or any subsequent updated survey and Plan EC04 Ecological Features (Ecology Solutions; December 2022). The strategy must demonstrate that integrated bat features are incorporated into the buildings. The development shall be carried out in accordance with the approved details.

To accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

5) No development (excluding clearance and demolition operations) shall take place within the site until a Flood Emergency Action Plan for the site and Flood Mitigation scheme for the dwellings with reference to Flood Risk Emergency Plan 680724-R2 (0)-FEP March 2023 & CIRIA- Code of practice for property flood resilience (C790F) and BS 85500:2015 -Flood resistant and resilient construction has been submitted to and approved by in writing by the local planning authority. The development shall be carried out in implemented in full prior to the first occupation of the dwellings.

To minimise the impact of potential surface water flooding upon occupants of the development in accordance with the aims and objectives of the National Planning Policy Framework.

6) No development (excluding clearance and demolition operations) shall take place within the site until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by in writing by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by RSK LDE Ltd reference 680724-R1 (0)-FRA (02/11/22) 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):- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and; - 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.

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.

7) The dwellings hereby permitted shall not 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 in writing 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.

8) No development (excluding clearance and demolition operations) shall take place until details to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented in full prior to the first occupation of the dwellings hereby approved and thereafter retained.

In the interests of good design and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with the aims and objectives of the National Planning Policy Framework.

9) Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by in writing by the local planning authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by in writing by the local planning authority;

iii) programme of post excavation assessment and publication

To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated in accordance with Policy EN4 of Sevenoaks Allocations and Development Management Plan.

10) No development shall take place until details of a Construction Management Plan have been submitted to and approved by in writing by the local planning authority. The construction management shall include details of:

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

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

11) No use of the new vehicular access on site shall commence until off-site highway improvements to the junction Tonbridge Road / Camp Hill as shown on drawing ref. 2022/6560/001/P4 (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement) are provided and completed in full.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

12) No use of the new vehicular access development shall commence on site until the vehicular visibility splays as shown on drawing ref. 2022/6560/001/P4 of 120 metres to the west x 2.4 metres x 43 metres to the east of proposed new access to the site has been provided. No fence,

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wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

13) Prior to the commencement of the development hereby approved, a proposed site remediation strategy based from the recommendations of the submitted land contamination assessment (ref: 52429-CONT-01) shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- a) Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority
- b) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the Local Planning Authority. The verification report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The development must be carried out in complete accordance with the approved written report. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until appropriate remediation has been undertaken.

To ensure that the site is remediated appropriately for its intended use and to accord with the aims and objectives of the National Planning Policy Framework.

14) Notwithstanding the hard and soft landscaping as shown on the approved plans, prior to works above damp proof course level of the first residential dwelling hereby permitted, full details of both hard and soft landscaping shall have been submitted to and approved by the Local Planning Authority.

These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; boundary treatments, Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and implementation timetables.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

15) The proposals for landscaping shown on the approved details shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, (whichever is the earlier) or in accordance with a programme agreed with the Local Planning Authority. All hard and soft landscape works shall be carried out to the satisfaction of the Local Planning Authority. All new planting shall be adequately staked and tied and shall be maintained for a period of 5 years. Any trees or plants which, within this period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as previously approved, unless the Local Planning Authority gives written consent to any variation.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

16) Prior to the occupation of the development hereby approved the vehicle parking spaces as shown on the approved plans shall be constructed, surfaced and retained for vehicle parking, turning and deliveries, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and visual amenity as supported by Policies EN1, T1, T2 of the Sevenoaks Allocations and Development Management Plan.

17) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and development Management Plan.

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18) Prior to the first occupation of the dwellings hereby permitted, the ecological features detailed within Plan EC04 Ecological Features; Ecology Solutions; December 2022 must be installed within the site unless otherwise agreed in writing by the local planning authority.

To enhance the ecological value of the site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

19) The refuse and cycles storage facilities as shown on approved plan number 1005 P Rev.C shall be fully implemented and made available for user prior to the first occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles in accordance with Policies T1, EN1 of the Sevenoaks Allocations and Development Management Plan.

20) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Arboricultural Method Statement Ref: AIA.CHCC2210 dated Oct 2022 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.

21) Prior to the first occupation of the development hereby permitted the existing vehicular access to site shall be closed permanently in accordance with details submitted to and approved in writing by the Local Planning Authority.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

22) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works above damp proof course level for the dwelling hereby approved. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire/lux profiles). The approved scheme shall be carried out in accordance with the approved details and

maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

To enable the Local Planning Authority to regulate and control light spillage in order to protect the character and visual amenity of the locality in accordance with policies EN1, EN6 of the Sevenoaks Allocations and Development Management Plan.

23) Details of any external installation of Air Source Heat Pumps within the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works above damp proof course level for the dwelling hereby approved. This information shall include a layout plan showing location, specification of the heat pumps and acoustic performance. The approved scheme shall be carried out in accordance with the approved details and maintained thereafter.

To protect the amenity of the area and future occupants of the development in accordance with Policy EN1, EN7 of the Sevenoaks Allocations and Development Management Plan.

24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, E, F of that Order and Schedule 2, Part 2, Class A.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development, the amenities of future occupants of the development and not to impede surface water drainage within the site in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan

25) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

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

26) The acoustic mitigation measures as recommended by RSK Acoustic Noise Assessment Report Ref: 2061130-RSK-001-(03) dated Oct 2022, shall be implemented in full unless an alternative scheme is otherwise approved in writing by the local planning authority. The mitigation details shall be implemented in full prior to the first occupation of the development and thereafter retained as such.

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To ensure satisfactory living conditions for future occupants of the development hereby permitted in accordance with Policies EN2 and EN7 of the Sevenoaks Allocation and Development Management Plan.

- B) That if the S106 legal agreement is not completed in accordance with the above recommendation (A) that planning permission be refused on the following grounds:

The development would likely to have an impact upon education capacity within the locality/wider District. Therefore without securing mitigation the proposal would have a detrimental impact upon infrastructure in conflict with SC1 of the Sevenoaks Allocations Development Management Plan and Policy SP9 of the Sevenoaks Core Strategy.

THE MEETING WAS CONCLUDED AT 8:14PM

CHAIRMAN



4.1 22/00512/OUT

Revised expiry date 14 July 2023

Proposal:

An outline planning application for: up to 800 residential dwellings (Class C3), up to 150 residential institutional units (Class C2), business, retail, leisure and sports uses (Class E); new primary school (Class F1); community uses (Class F2), re-use of former Oast House and existing barn off Childsbridge Lane, green open spaces including parks, play spaces, ecological areas and woodlands; vehicular accesses from Bat and Ball Road, Childsbridge Lane and Farm Road; associated infrastructure, groundworks and demolition; with all matters reserved.

Location:

Sevenoaks Quarry, Bat And Ball Road, Sevenoaks Kent TN14 5SR

Ward(s):

Sevenoaks Northern; Seal and Weald

#### **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 A:** 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 set out below, subject to any minor changes to wording being agreed by the Chief Officer for Planning and Regulatory Services, and
- c) A satisfactory legal agreement being made under Section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 30 September 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:

- Affordable housing comprising 40% of all on-site housing to be provided, of which 65% would be provided as Affordable / Social Rented; 25% as First Homes; and 10% as Intermediate Housing.
- Safeguarding of 2.05 hectares land for a primary school.

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- Financial contributions towards the construction of a primary school, and off-site secondary school construction and secondary school land (based on applicable housing units delivered) to be provided in the event that Community Infrastructure Levy funding is not secured or is only partly secured by the local education authority.
- Highways and transport improvements, including works to be secured through a Section 178 Agreement as required, to include:
  - Green Travel Plan measures, as set out in the Framework Travel Plan, to include the provision of an on-site car club and mobility hub.
  - Payment of Travel Plan monitoring fee of £1,422.
  - Bus Management Plan for the delivery of a bus service into the site;
  - Bus Service Contribution of £750,000;
  - Bus stop provision within the site;
  - Works to Bat and Ball Junction to change from signalised junction to roundabout junction and associated pedestrian and cycle crossings).
  - Changes to parking configuration and highway along Greatness Lane/Mill Lane.
  - Segregated pedestrian and cycle route along Childsbridge Lane from Seal to Kemsing.
  - Priority scheme on bridge over the railway on Childsbridge Lane to ensure safe pedestrian and cycle access.
  - Segregated pedestrian cycle route along Bat and Ball Road from Bat and Ball Station to entrance of the development site.
  - A contribution of £18,000 to delivering off-site improvements to Public Right of Way SU3.
- Schemes for the delivery, management and maintenance of:
  - Open spaces, landscape and ecology on the site
  - Greatness Lake Park, including delivery of lakes for water sports usage.
  - Water sports centre, including Lakeside Centre and water-based recreation opportunities;
  - The Oast House, to secure access to and long term benefit of the community;

- The Barn for long term community use and benefit.
- Community Use Agreements for the Oast House, Barn and Lakeside Centre/lakes.

Conditions

1. The development to which this permission relates must be begun not later than whichever is later of the following dates: a) the expiration of 3 (three) years from the date of this permission; or b) the expiration of two years from the approval of the final Reserved Matters permission.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

2. The first application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

3. The final Reserved Matters application shall be made to the Local Planning Authority not later than 15 years following the approval of the first Reserved Matters application.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990 and to provide certainty over the delivery of the development.

4. Prior to the approval of the first application of reserved matters, a phasing strategy shall be submitted to and approved in writing by the local planning authority. The phasing strategy shall include a plan defining the phases for the purposes of reserved matters applications and a programme for the delivery of each phase.

The development shall be carried out in accordance with the phasing plan as approved. The phasing plan may be updated or amended from time to time with the approval in writing of the local planning authority pursuant to this condition.

Reason: To secure appropriate phasing of the development, ensure the satisfactory delivery of elements of the proposed development and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5. Prior to the approval of the first application for reserved matters, a Site Wide Design Code (SWDC) shall be submitted to and approved by the Local Planning Authority. The Design Code, which shall follow the framework set out in the National Model Design Code, shall explain its purpose, structure

and status; indicate who should use the document and how to use it; set out the mandatory and discretionary elements; and be clear how these apply. The Design Code should be in substantial accordance with the approved Parameter Plan, Site Levels and Building Heights Plan and Design Principles Document (David Lock Associates November 2022) and should include the following:

- i. Details of the engagement strategy with the local community and its representatives that has informed the SWDC.
- ii. Description of how the overall vision and objectives for the development, as set out in the Design Principles Document, will be implemented through the detailed design stages;
- iii. A Regulatory Plan showing a framework for development including the primary and secondary routes, access points for parcels, site wide pedestrian and cycling routes, hierarchy of key public open spaces and other green spaces and location of key community facilities.
- iv. A movement hierarchy for the site, which is to secure a legible, permeable and connected network, and how the principles of the walkable neighbourhood set out in the Design Principles Document will be achieved, with specific reference to key amenities.
- v. Typical street cross-sections which will include details of tree planting, landscaping, service runs, traffic calming and on street parking for primary and secondary streets and the proposed pedestrian cycle routes. The Code should demonstrate how the design of the streets and spaces will address the needs of all users and give priority to sustainable travel and the proposed treatment of routes for cyclists and pedestrians;
- vi. For each Site Specific area defined in the Design Principles Document, design features that illustrates the character, addresses characteristics such as block structure, scale, density, massing, street frontages, use of materials, colours. This should clearly demonstrate how the character and identity is informed by the wider context surrounding the site and Sevenoaks as a whole.
- vii. The approach to parking, including cycle parking and electric vehicle charging, to be included across the site including the location of dedicated car parks for the proposed community facilities and Lakeside Centre.
- viii. The approach to the landscape framework, having regard to the findings of the Landscape and Visual Impact Assessment (and updates) including the integration of existing retained landscape features, new

strategic and structural planting, the landscape framework for Greatness Lake Park and maintenance and management of the green spaces.

- ix. Specific urban design features that will contribute to health and wellbeing, including open space, play spaces and key route design to encourage activity and interaction, access to community facilities, street frontages (avoiding blank frontages) and accessibility to nature.
- x. Measures to demonstrate how the design can maximise resource efficiency of land, water, energy and materials such as through compact layouts, energy efficient built forms, passive design tools including nature-based solutions, orientation, massing and external building features.
- xi. Features that demonstrate how the design responds to climate change including rising temperatures and flood-risk such as through nature-based solutions.
- xii. Approach to refuse and recycling management for all building types.
- xiii. Management and maintenance principles for community facilities, open space, sustainable drainage and public realm.

Thereafter, any Reserved Matters Application submitted pursuant to Condition 10 shall comply with the approved Site Wide Design Code.

Reason: In the interests of achieving high quality design and integration of the development in the landscape and a sustainable community, in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan, Policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

- 6. Prior to the approval of the first reserved matters application, a site wide Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This will be substantially in accordance with the Protected and Priority Species Mitigation Strategy (SLR January 2023) and must include:
  - i. Findings of up-to-date species and habitat surveys;
  - ii. A Biodiversity Gain Plan which shall secure a 10% net gain in biodiversity within a 30 year period as a result of the development, unless otherwise agreed in writing with the Local Planning Authority pursuant to this condition;
  - iii. A native-species landscaping scheme;

iv. A Biodiversity Management and Monitoring Plan which shall include 30-year objectives, management responsibilities, maintenance schedules, a methodology to ensure the submission of monitoring reports and details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery.

Thereafter, Reserved Matters applications shall comply with the principles established by the approved site wide LEMP.

Reason: To ensure the delivery of biodiversity enhancements in accordance with Core Strategy Policy SP11, the Sevenoaks Neighbourhood Plan and the National Planning Policy Framework, including paragraph 174 for the provision of net gains for biodiversity.

7. Prior to the approval of any Reserved Matters Application, a Strategic Landscaping Plan covering the whole of the site shall be submitted and approved by the Local Planning Authority. Thereafter, Reserved Matters applications for any phase of the development shall comply with the principles established by the approved Strategic Landscape Plan.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality, having regard to the visual and landscape impacts from the Area of Outstanding Natural Beauty, in accordance with Policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

8. The details submitted pursuant to Condition 10 (Reserved Matters Applications) shall include a Site Wide Access Strategy that includes:
- i. The detailed layout of the three main accesses to the application site, as identified on the approved Parameter Plan;
  - ii. Measures to prioritise the Primary Access for vehicular traffic and to discourage the use of the Secondary Access on Farm Road;
  - iii. Measures to prevent vehicular access from the Tertiary Access into the site, with the exception of those vehicles accessing the car park and emergency vehicles.

Reserved matters approvals shall accord with the approved strategy.

Reason: To ensure a satisfactory means of access to the development and to safeguard the residential amenities of nearby residential properties, in accordance with Policy EN1, EN2 and T1 of the Sevenoaks Allocations and Development Management Plan.

9. Any applications for approval of reserved matters pursuant to Condition 10 shall accord with the following approved plans and documents:
- i. Site Boundary Plan (TAR021/010)

- ii. Parameter Plan (TAR021/006/Rev.E)
- iii. Site Levels and Building Heights Plan (TAR021/008/Rev.C)
- iv. Development Specification (October 2022).

Reason: To ensure that the development achieves high quality design and efficient use of the land in accordance with the National Planning Policy Framework, Policy SP1 of the Sevenoaks Core Strategy and Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10. For each Phase of Development identified by Condition 4, the approval of details of the access, appearance, landscaping, layout and scale of the proposed development (hereinafter called the “Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development in that Phase is commenced.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

11. For each submission of Reserved Matters applications pursuant to this permission, a “Compliance Report” shall be submitted that states how the Reserved Matters comply with the approved parameter plans and documents identified in Condition 9 and the Site Wide Design Code at Condition 5.

Reason: In pursuance of section 92(2) of the Town and Country Planning Act 1990.

12. The details submitted pursuant to Condition 10 (Reserved Matters Applications) for any phase containing residential dwellings, local centre uses, employment uses, community uses, educational uses, public open spaces or pedestrian cycle route, shall be accompanied by a Minerals Update Statement (MUS) for approval by the Local Planning Authority. The MUS shall include details of:

- i. The location of continued minerals activities on the site, shown on a plan, in relation to the proposed development.
- ii. Details of the access arrangements for the continued minerals activities.
- iii. Updated Noise and Air Quality assessments regarding the impact of the continued minerals operations and proposed mitigation measures to protect residential amenity and amenity of the users of other buildings, spaces or routes. Any noise assessment should have regard to BS8233:2014 and BS4142:2014+A1:2019, or any subsequent updates, and the Planning Practice Guidance.

The development shall be carried out in accordance with the MUS.

Reason: To safeguard the continued mineral operations on the site in accordance with Policy DM7 of the Kent Minerals and Waste Local Plan 2013-2030 and protect the amenity of existing and future occupants of the site in line with Policy EN2 of the Sevenoaks Allocations and Development Management Plan and the national Planning Practice Guidance.

13. The details submitted pursuant to Condition 10 (Reserved Matters Applications) containing built development for a defined Phase agreed pursuant to Condition 4, shall be accompanied by a Decarbonisation Statement describing the measures to reduce carbon emissions in that Phase for approval by the local planning authority. Statements shall include measures relating to energy and water use, renewable energy opportunities, management of waste, proposed environmental standards for residential dwellings and proposed environmental standards for any non-residential development (with reference to BREEAM standards). The phase shall be implemented in accordance with the approved Decarbonisation Statement.

Reason: To contribute towards achieving Sevenoaks District Council's Net Zero commitment and Net Zero 2030 Actions 2022-2023.

14. Prior to the approval of the reserved matters application for any phase identified pursuant to Condition 4 (including an application for the submission of the first phase only if this is submitted more than 12 months from the date of the site-wide LEMP approved under Condition 6), an updated LEMP shall be submitted to and approved in writing by the Local Planning Authority. This shall include updated species and habitat surveys, updated Biodiversity Gain Plan, plans for a native-species landscape scheme for that phase, and an updated Biodiversity Management and Monitoring Plan, which shall meet the requirements of Condition 6.

Thereafter, any Reserved Matters application for that phase of the development shall comply with the principles established by the approved updated site wide LEMP.

Reason: To ensure appropriate protection, enhancement and management of biodiversity, to comply with Policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

15. Monitoring reports shall be submitted to and approved in writing by the Local Planning Authority during years 2, 5, 10, 20 and 30 from commencement of development, unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the Biodiversity Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: To ensure appropriate protection, enhancement and management of biodiversity, to comply with Policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.



16. Prior to the commencement of development on each phase identified pursuant to Condition 4, the applicant, or their agents or successors in title, shall secure:
- i. geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
  - ii. further geo-archaeological investigation, recording and reporting, as determined by the results of the evaluation under (i), in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
  - iii. a programme of post excavation assessment and publication as determined by the results of (i) and (ii).

Reason: To ensure that features of geo-archaeological and Palaeolithic interest are properly examined, recorded, reported and disseminated, in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

17. Prior to the commencement of development on each phase identified pursuant to Condition 4, the applicant, or their agents or successors in title, shall secure:
- i. archaeological field evaluation works, including specialist industrial heritage survey works, in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. further archaeological investigation, recording and reporting, as determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
  - iii. programme of post excavation assessment and publication as determined by the results of (i) and (ii).

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

18. Prior to the commencement of development on any phase identified pursuant to Condition 4 (Reserved Matters Approvals), a demolition and construction environmental management plan (CEMP), specific to amenity and environmental issues, for that phase 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. The CEMP: Amenity and Environment shall include:

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- i. Details of the proposed working hours;
- ii. Details of the design and location of the construction access;
- iii. A site waste management plan;
- iv. Details of temporary utilities;
- v. Details of how the construction will comply with the sustainable use of soils on construction sites;
- vi. Details of a communication strategy to include the provision of a dedicated phone line for residents to contact the site manager directly with complaints which should be manned whenever site works are in progress;
- vii. Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site;
- viii. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- ix. Details of the measures to mitigate the noise and vibration from construction, including means of monitoring and reporting impacts;
- x. Details of a surface water drainage scheme for the temporary drainage of the Site, to include the management of surface water run-off and the control of pollution.

Reason: To safeguard amenity and secure environmental protections and to ensure the satisfactory arrangements for the disposal of surface water and to prevent pollution of waters, to comply with Policy SP2 of the Core Strategy, Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

19. Prior to the commencement of development on any phase identified pursuant to Condition 4 (Reserved Matters Approvals), a detailed Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the CEMP: Biodiversity shall adhere to and support the principles of the approved overarching Landscape and Ecological Management Plan for that phase. 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 National Planning Policy Framework.

20. Prior to commencement of development on any phase identified pursuant to Condition 4 (Reserved Matters Approvals), a Construction Transport

Management Plan (CTMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide the following details:

- i. Routing of construction and delivery vehicles to and from site;
- ii. Parking and turning areas for construction and delivery vehicles and for site personnel;
- iii. Timing of deliveries;
- iv. Location of materials storage;
- v. Site personnel facilities;
- vi. Provision of wheel washing facilities;
- vii. Provision of temporary traffic management and signage; and,
- viii. Hours of construction.

Reason: To ensure minimal nuisance or disturbance is caused, to the detriment of the amenities of adjoining occupiers and of the area generally, and to avoid unnecessary hazard and obstruction to the public highway. In accordance with Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

21. Prior to commencement of development on any phase identified pursuant to Condition 4 (Reserved Matters Approvals), details demonstrating that the requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout have been submitted to and approved in writing by the Local Planning Authority. The development shall be delivered in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

22. Prior to commencement of development on any phase identified pursuant to Condition 4 (Reserved Matters Approvals), a detailed sustainable surface water drainage scheme for that phase or phases 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 prepared by Hydrock dated 27 September 2022 (Issue P03) and shall demonstrate that the surface water generated by the 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):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- 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 increase the risk of on or off site flooding, to comply with Policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework. Further, 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 remobilised contaminants present in shallow soils/made ground in line with paragraph 174 of the National Planning Policy Framework.

23. No building on any phase identified pursuant to Condition 4 (Reserved Matters Approvals) shall be occupied until a Verification Report, pertaining to the surface water drainage system for that phase, 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.

Reason: To ensure the drainage systems are installed as approved so that the development does not increase the flood risk elsewhere, to comply with Policy SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

24. 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 that there is no resultant unacceptable risk to groundwater. 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. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

25. Prior to commencement of development on any phase identified pursuant to Condition 4 (Reserved Matters Approvals), a foul drainage strategy for that phase, detailing how the developer will implement an appropriate foul drainage within the site with a connection to an adopted foul sewage system with sufficient capacity to accommodate the foul drainage generated by that phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed detailed design and recommendations of the strategy.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from sewage flooding and/or potential pollution incidents.

26. Prior to commencement of development on any Phase identified pursuant to Condition 4 (Reserved Matters Approvals), a detailed remediation scheme, prepared by suitably qualified and accredited persons, to bring the site and buildings to a condition suitable for the intended use(s) by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme must include: (a) The results of the further investigations identified in Chapter 11 of the Environmental Statement and the accompanying Hydrock Desk Study and Ground Contamination Report; (b) based on the outcomes of further investigation and those of previous investigations, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, including a programme of work; c) details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete; and, (d) identification of any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

Reason: To ensure that risks from 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.

27. No occupation of any phase 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.

Reason: 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.

28. 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.

Reason: 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.

29. Prior to commencement of development on any phase identified pursuant to condition 4 (Reserved Matters Approvals), an Arboricultural Impact Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase. This shall include details of all the trees and hedgerows to be retained within or adjacent to each phase and how retained trees and hedgerows are to be protected on site, and must include the safeguarding of Ancient Woodland on the site, where relevant to that phase. The works shall subsequently be carried out in accordance with the approved details

Reason: To ensure the appropriate protection of trees, hedgerow and woodland, in the interest of safeguarding the visual amenities of the locality and the protection of irreplaceable habitats in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan, Policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

30. Prior to commencement of development in any phase identified pursuant to Condition 4 (Reserved Matters Approvals) where existing public rights of way are affected, a Management and Delivery Scheme for the Public Right(s) of Way (PROW) within that Phase shall be submitted to and approved by the Local Planning Authority. The Scheme should detail how the PROW will be impacted during both the construction and operation of that phase of development and the actions that will be taken to mitigate the impacts including: (i) the requirement for any permanent diversions and the timing of such; (ii) proposals for any temporary closure and alternative routes to be provided and their timing; (iii) the measures to protect the PROW and their users during construction; (iv) the construction and design of the paths to be laid out during both construction and operational phase; (v) proposals for the PROW boundaries/buffers, including landscaping and any fencing; (vi) details of connections of PROWs at site boundaries; (vii) a programme for delivery of PROW works; and (viii) future maintenance arrangements for any adjacent landscaping. The development shall be delivered in accordance with the PROW Management and Delivery Scheme.

Reason: To safeguard the amenity and safety of users of the Public Rights of Way and to deliver a sustainable access strategy, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan, Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

31. Prior to the occupation of the 150th dwelling hereby approved, the Bat and Ball highways works, as shown on drawing 19538-22 Revision G contained within the David Tucker Associates Transport Note (27 January 2023), shall be completed.

Reason: To mitigate travel impacts in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

32. Prior to the occupation of the 1st dwelling hereby approved, the shared pedestrian and cycle route along Bat and Ball Road between the proposed site entrance and Otford Road, as shown on drawing 19538-22-GA2 Revision G contained within the David Tucker Associates Transport Note (27 January 2023) shall be completed.

Reason: To mitigate travel impacts and enhance opportunities for walking and cycling in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan, Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

33. Prior to the completion of the east-west Principal Pedestrian and Cycle route shown on the approved Parameter Plan, the delivery of a shared pedestrian and cycle route along Childsbridge Lane, as shown on drawing 19538-23-GA Revision C contained within the David Tucker Associates

Transport Note (27 January 2023) shall be completed. These works shall include arrangements for the provision of cycle/pedestrian priority over the bridge.

Reason: To mitigate travel impacts and enhance opportunities for walking and cycling in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan, Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

34. Prior to the occupation of any part of the development, the primary and secondary access points, as approved pursuant to Condition 8, shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure safe access to the site in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

35. Prior to occupation of the Barn to be retained off Childsbridge Lane or the commencement of use of any car parking in the vicinity of the Barn, the Childsbridge Lane access, as approved pursuant to Condition 8, shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure safe access to the site in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

36. Prior to commencement of development on any phase identified pursuant to Condition 4, details of a scheme of electrical vehicle (EV) charging points within that Phase, to include their specification, location and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for:

- Each new dwelling with a garage or off street parking to have a charging point;
- Communal parking areas to residential or non-residential uses to provide EV charging points for future users;
- Public charging points, where appropriate to that phase, with a scheme for their management and maintenance;
- Passive charging infrastructure to allow additional charging points to meet future demand.

The development shall be carried out only in accordance with the approved details and those charging points shall be available for use prior to the occupation of the buildings they serve and permanently retained thereafter.



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

37. The Principal Pedestrian and Cycle route from Bat and Ball Rd to Childsbridge Lane shall be implemented in accordance with an approved scheme prior to the occupation of the 650th dwelling.

Reason: To enhance opportunities for walking and cycling in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan, Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

38. The Secondary Access from Farm Road shall not be brought into use until a scheme for the rationalisation of car parking on Greatness Lane and Mill Lane to improve traffic flows has been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved scheme.

Reason: To achieve safe and suitable access in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

39. The details submitted pursuant to Condition 10 (Reserved Matters Approvals) for each phase shall include a scheme for refuse storage and recycling facilities. Development shall be carried out in accordance with the approved details and made available for use prior to occupation or first use of the phase of development that it would serve. Once provided, the facilities shall be retained thereafter.

Reason: To ensure the satisfactory storage, separation and collection of waste, and to encourage recycling, in accordance with Policy EN1 of the Allocations and Development Management Plan.

40. All dwellings hereby approved shall be delivered, as a minimum, in accordance with the requirements of Part M4 (2) of the Building Regulations for 'Accessible and Adaptable Dwellings'. Within each phase that includes residential dwellings, a minimum of 5% of all dwellings shall be delivered as Wheelchair User dwellings in accordance with the requirements of Part M4(3) of the Building Regulations.

Reason: To contribute to the requirement in the District for accessible dwellings in accordance with the requirements of Policy SP5 of the Sevenoaks Core Strategy.

41. No development of the Phase containing Greatness Lake Park (as defined in the Phasing Strategy approved pursuant to Condition 4) shall commence until the Local Planning Authority has approved in writing a scheme for the Park, including:

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- i. A network of formal and informal routes including a main circular route around the lake that is suitably surfaced to accommodate wheelchairs and pushchairs.
- ii. Details of retained and new woodland, habitats and other planting, including habitat for Sand Martens on the lake edge, in accordance with the approved LEMP.
- iii. Routing of footpaths to divert people away from sensitive areas, including retained or new ecological habitats.
- iv. Sensitive approach to southern lake edge to allow for shallow margins to be created.
- v. Natural play features and picnic sites, including the eastern side of the lake with pedestrian access from the Barn and car park.

Greatness Lake Park shall be implemented in accordance with the approved scheme no later than the occupation of the 650th dwelling and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of delivering a sustainable, mixed use community and to secure the very special circumstances necessary to clearly outweigh harm to the Green Belt, in accordance with the National Planning Policy Framework.

42. No development of the Phase containing the former Oast House (as defined in the Phasing Strategy approved pursuant to Condition 4) shall commence until the Local Planning Authority has approved in writing a scheme for the refurbishment and reuse of the building for community-related purposes. The refurbishment of the Oast House shall be completed and it shall be made available for occupation in accordance with the approved scheme prior to the occupation of the 150th dwelling, and permanently retained thereafter.

Reason: In the interests of delivering a sustainable, mixed use community and to secure the very special circumstances necessary to clearly outweigh harm to the Green Belt, in accordance with the National Planning Policy Framework. To deliver on the objectives of the Sevenoaks Town Neighbourhood Plan.

43. Prior to the occupation of the 100th dwelling, a scheme for the refurbishment and re-use of the former Barn and ancillary external space for community purposes, as defined under Class F2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved by the Local Planning Authority. The refurbishment of the former barn shall be completed and it shall be made available for occupation in accordance with the approved scheme prior to the occupation of the 250th dwelling, and permanently retained thereafter.

Reason: In the interests of delivering a sustainable, mixed use community and to secure the very special circumstances necessary to clearly outweigh harm to the Green Belt, in accordance with the National Planning Policy Framework. To deliver on the objectives of the Sevenoaks Town Neighbourhood Plan.

44. No development shall commence within the phase including the Lakeside Centre until the Local Planning Authority has approved in writing a scheme for the delivery and management of the Lakeside Centre, as defined on the Parameter Plan (TAR021/06/Rev E). This must include a Centre for the delivery of water-based activities open to the community and shall otherwise only be used for the following use classes: Class E uses business, services and commercial (no more than 2,000 sqm in total and 500 sqm for any single outlet); Class F2 uses comprising local community uses (up to 750sqm in total - minus Barn); and Class C3 and Class C2 Residential uses.

Reason: In the interests of delivering a sustainable, mixed use community, including securing opportunities for open sporting activities, and to secure the very special circumstances necessary to clearly outweigh harm to the Green Belt, in accordance with the National Planning Policy Framework. To deliver on the objectives of the Sevenoaks Town Neighbourhood Plan.

45. Before each phase of development identified pursuant to Condition 4 is first occupied, details of a scheme for external lighting for the protection of biodiversity and landscape character, and a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme must:
- (i) identify those areas and features on or adjoining the site that are particularly sensitive for wildlife and are likely to cause disturbance;
  - (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 wildlife using their territory or having access to their breeding sites and resting places;
  - (iii) show details of the position, height, design, measures to control light spillage and intensity of illumination in order to demonstrate that the lighting will minimise impacts on the night sky.

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

Reason: To ensure appropriate mitigation for biodiversity and to ensure the development conserves and enhances the special landscape character of area, including in views from the Area of Outstanding Natural Beauty, to comply with policies EN1 and EN5 of the Sevenoaks Allocations and

Development Management Plan, SP11 of the Core Strategy, and the National Planning Policy Framework.

46. Prior to the commencement of development in any Phase, the details of, and arrangements for, the setting out of on-site public open space as part of that Phase of the development shall be submitted to and approved in writing by the local planning authority. The on-site public open space shall be in substantial accord with the Site Wide Design Strategy approved pursuant to Condition 5 and shall include the following matters in respect of the Phase: a) The delineation and siting of the proposed public open space; b) The type and nature of the facilities to be provided within the public open space including, where relevant, children's play provision; c) The arrangements to ensure that the public open space is laid out and completed during the course of the development; and d) An annual maintenance schedule. The open space for that Phase shall be completed in accordance with the approved details and arrangements for that Phase.

Reason: To ensure adequate provision of public open space to meet the needs of future occupiers of the development and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

47. Prior to the commencement of development in any phase defined pursuant to Condition 4 (Reserved Matters Approval), details of existing and proposed ground levels and finished floor levels, and cross sections within the phase, including any retaining walls, taken up to the site boundaries for that phase, shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan and to reduce the risk of surface water flooding on or off site.

48. The applicant shall obtain a Secured by Design accreditation for each phase of residential development hereby approved, a copy of which must be submitted to, and approved in writing by the Local Planning Authority unless otherwise agreed within three months of the completion of the development hereby permitted.

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

#### Informatives

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

2. The proposed development has been assessed and it is the Council's view that it would be liable to the payment of the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued as soon as possible after the decision.
3. 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.
4. Flood Risk: SuDS measures will be considered by Kent County Council. The Environment Agency would raise the awareness that previous flooding events have been a combination of surface water runoff and elevated base flows, so excavation of attenuation features may intersect ground water levels which reduces storage availability of surface water runoff. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:- on or within 8 metres of a main river (16 metres if tidal); on or within 8 metres of a flood defence structure or culvert (16 metres if tidal); on or within 16 metres of a sea defence; involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.
5. With respect to any proposals for piling through made ground, reference should be made to the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. A Piling Risk Assessment is required to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near surface pollutants migrating to underlying aquifers. The risk assessment must investigate whether the water environment source-pathway-receptor linkages exist.
6. Disposal/movement of soils: The Environment Agency recommends that developers refer to: (i) The Position statement on the Definition of Waste: Development Industry Code of Practice and; (ii) The Environmental regulations page on GOV.UK. Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

7. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expects the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team.
8. Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing. This will allow the ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/lookingafter-the-railway/asset-protection-and-optimisation/>.

**RECOMMENDATION B:** If the Section 106 Agreement is not completed in accordance with the above recommendation A, that planning permission be refused on the following grounds:

1. The development would be inappropriate development in the Green Belt and harmful to openness and would result in encroachment into the countryside. The very special circumstances advanced in this instance are not of sufficient weight to clearly outweigh the harm to the Green Belt and the other harms identified. It is therefore contrary to the National Planning Policy Framework.
2. The proposal fails to make provision for affordable housing and is therefore contrary to policy SP3 of the Sevenoaks Core Strategy and the National Planning Policy Framework.
3. The proposal fails to make provision for the appropriate and necessary highway and transport improvements required to mitigate the impacts arising from the development, contrary to Policy SP9 of the Sevenoaks Core Strategy, policies EN1 and T1 of the Sevenoaks Allocation and Development Management Plan and the National Planning Policy Framework.
4. The proposal fails to make appropriate provision for education, contrary to Policy SP9 of the Sevenoaks Core Strategy.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting

solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### Assessment Summary

- 1 To assist members, a summary of the report for this proposals is set out below and paragraph 34 at the bottom of this section contains a list of the report's contents and the relevant paragraph numbers. Further details on all issues are set out within the main body of the report.
- 2 The application site comprises 94 hectares (ha) land adjoining the northern boundary of Sevenoaks urban area, adjacent to the Greatness area of the town. It is accessed via Bat and Ball Road in the south west corner, with a secondary, currently unused access located on Farm Road.
- 3 The site has been occupied by a working quarry for several decades. Most recently, planning permission granted by Kent County Council in 2010 allowed for the extraction of sand from the site until the end of 2030, following which the site would be restored as a nature reserve and open recreational resource. The working quarry represents a significant mineral resource for the region, with an estimated reserve of sand in excess of 4 million tonnes.
- 4 Sand extraction operations mean that the site is continually evolving, with landforms, topography and vegetation subject to change as mineral extraction progresses over the site. At the current time, extraction operations are focussed in the centre of the site, north of the water body, with extraction gradually progressing north and east across the site. Operational facilities - including offices, storage areas, car parking, etc. - are located in the south west corner of the site. The large lakes (the Eastern and Northern Lakes) that currently occupy the central - southern part of the site will, over the few years, progress further northwards.
- 5 The current planning application would allow for the continued working of the Quarry until the sand reserves are fully extracted.
- 6 The planning application before committee seeks outline planning permission for the development of the site for a mix of uses, including: up to 800 new homes and 150 residential institution units (specialist care homes for older people); land for a primary school to serve the future population on the site and the surrounding catchment; up to 2,000 m<sup>2</sup> of business, service and commercial uses, potentially including a mix of retail, services and food and drink facilities; and community uses. A Lakeside Centre would be delivered adjacent to the retained lakes in the centre of the site, offering a mix of commercial/retail/food and drink uses alongside a new water-sports facility, exploiting the opportunity for water based activities offered by the retained lakes, as well as lakeside footpaths and cycle ways. Certain key buildings would be retained within the

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- development, including the locally listed Oast House in the western part of the site and a former agricultural barn on Childsbridge Lane, which would be re-purposed for community-focussed uses (e.g. meeting or social places).
- 7 Of the 94 hectares, over 47 hectares would be retained as strategic open space, comprising a networks of landscaped and ecological areas crossed by footpaths and cycle ways for recreational use. An addition 16 hectares would comprise open water bodies. In total, therefore, 67% of the site would be retained as 'green' or 'blue' open space (not including the pockets of open space such as play space, or landscaping areas within development areas). The remaining 30.7ha - 33% of the total site area - is identified for development.
  - 8 While the scheme is submitted as an outline application, with matters of access, layout, scale, landscaping and appearance reserved for later consideration, a suite of conditions and Section 106 planning obligations are proposed that would secure further details of the development. These would ensure measures are in place to deliver a sustainable urban extension to the Sevenoaks area, including mechanisms for delivering quality design, improving accessibility /connectivity between the site and the urban area and enhancing biodiversity. This includes a requirement for a Site Wide Design Code to be submitted to SDC for agreement prior to further details being submitted.
  - 9 The Section 106 Agreement would also secure the long-term community benefits of the scheme; this includes the delivery of 40% affordable housing across the site and the provision and ongoing management of the Greatness country park, Lakeside Centre for water-sports, and the community based uses of the Oast House and Barn. In addition to the land safeguarded for the primary school, funding for education would also be provided for through the obligations.
  - 10 The Section 106 Agreement would also secure the funding and the delivery of a reconfigured Bat and Ball Junction, where the existing traffic-light signalled junction at the crossing of the A25 (Seal Road/Bradbourne Vale Road) and A225 (Otford Road/St Johns Hill) would be replaced with a roundabout, to include additional pedestrian and cycle crossings and links.
  - 11 Other accessibility measures would also be delivered, including new and improved cycle/pedestrian links, upgrades to public rights of way on and off site, and Green Travel Plan measures. The latter would include the extension of bus services into the site, the provision of a mobility hub/ bus interchange and delivery of an on-site car club. An east-west strategic cycle route would run across the site between Bat and Ball Road and Childsbridge Lane, delivering part of a priority route identified within the Sevenoaks Local Cycling and Walking Infrastructure Plan, 2023.
  - 12 Turning to the planning policy position, planning law - as explained in the National Planning Policy Framework (NPPF) - requires that applications are determined in accordance with the adopted development plan, unless other material considerations indicate otherwise. In this respect, the current



adopted plan for Sevenoaks is the Core Strategy (2011) and the Allocations and Development Management Plan (2015). The Neighbourhood Plan will form part of the development plan once made (which could have occurred prior to committee) and, given the advanced stage of this plan, holds significant weight at this time.

- 13 For those policies that are out of date, the NPPF states that they should be given less weight, according to their degree of consistency with the NPPF (para.219), the latter being the most more recent and up-to-date expression of planning policy.
- 14 Within the adopted development plan, the site falls outside the urban confines of Sevenoaks town, within the Metropolitan Green Belt. This designation represents a key consideration for the purposes of this application as it falls to be considered against the restrictive Green Belt policies of the development plan and the NPPF. The Neighbourhood Plan includes a policy for the delivery of development at Sevenoaks Quarry.
- 15 The NPPF, within Section 13, attaches great importance to Green Belts. Green Belt boundaries, it states, should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account.
- 16 In dealing with planning applications in the Green Belt, the NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be 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 resulting from the proposal, is clearly outweighed by other considerations.
- 17 The construction of new buildings are regarded as inappropriate development in the Green Belt, except in certain limited circumstances. This includes, for example, the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: (i) not have a greater impact on the openness of the Green Belt than the existing development; or (ii) 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.
- 18 While the site is a working quarry, and has certain areas that can be considered previously developed land, its primary use as a quarry would fall outside the definition of previously developed land set out within the NPPF, which excludes: "land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures."

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- 19 Given the scale of development proposed, the application must be considered as inappropriate development and, in principle, harmful to the Green Belt. This must be attributed substantial weight against the application and would be justifiable only by very special circumstances that clearly outweigh the harm.
- 20 In considering further the extent of harm to the Green Belt, the findings of the 2017 Sevenoaks Green Belt Assessment are a relevant material consideration, giving up to date evidence on the value of the Green Belt in this location. This concluded that the Quarry site is more weakly performing against the five purposes of the Green Belt set out within the NPPF at paragraph 138.
- 21 The assessment below concludes that, while the existing site performs a role in preventing urban sprawl and the convergence of Sevenoaks with Seal to the east, and assists in safeguarding the countryside from encroachment, the characteristics of the site that currently perform this function would be replicated in the development. This is because the development would be concentrated principally in the southern and western parts of the site, with a strong buffer of strategic open space - green and blue - provided across the north and east. Further, the site is well contained by landforms and geographic features, consisting of the rail lines to the north and west, Childsbridge Lane to the east and the urban area to the south, thus containing its impact on the surrounding area and preventing further encroachment. Therefore, while the in principle harm remains, and although there would be some visual and spatial harm to openness, this is mitigated to an extent by the existing site characteristics.
- 22 It is recognised that there would be some harm to amenity of local residential streets, albeit this is concluded to be within acceptable levels. Some harm is identified to landscape character, which causes some conflict with policy, particularly within the site and when compared to the site in its restored state, and to views from the surrounding area through the expansion of the urban area.
- 23 The case for very special circumstances is considered in detail in the report. Of particular importance in this case is the housing land supply position in the District. While substantial weight must be given to any harm to the Green Belt, very significant weight must also be given to the considerable contribution of the scheme to addressing the severe and long term deficit of housing land in the District. SDC is currently only able to demonstrate 2.9 years of housing land against the nationally required 5-year housing land supply. This also reflects a consistent under-supply over preceding years.
- 24 As a recent statement of housing need, the Sevenoaks Targeted Review of Local Housing Needs 2022, published to inform the Local Plan review, identifies a minimum need for 714 new dwellings each year across the District, and an annual need for 423 affordable dwellings. There is also an identified need for 1,345 more specialist homes for older people, including 418 Class C2 residential care units.

- 25 In this context, the delivery of 800 homes, including 40% affordable homes, and 150 specialist care homes for older people must be given very significant weight.
- 26 Further, the development would be delivered in a highly sustainable location, well connected to the Sevenoaks Urban Area and to transport connections. While no weight can be attached to the previously emerging Submission Draft Local Plan 2018 and only very limited weight can be attributed to the emerging Local Plan 2040, it is relevant to note that both of these plans are founded on evidence that demonstrates both a need to deliver significant numbers of new dwellings to meet local needs, and an assessment of the role of Sevenoaks Quarry and its relationship with Sevenoaks urban area.
- 27 The Sevenoaks Town Neighbourhood Plan is due to be made (adopted) on the 23 May 2023, which identifies this site as a potential opportunity to be redeveloped and bringing forward housing and waterside recreational activities. In this context, and taking into account the findings of the above Green Belt assessment that the site is weakly performing Green Belt, all of these plans have identified Sevenoaks Quarry as a strategic development site in recognition of the site's highly sustainable location.
- 29 In addition to the above, the following benefits would be achieved through the scheme:
- Delivery of landscaped country park, including a network of walking and cycle paths, for recreational use open to the community, and dedicated areas for biodiversity protection and enhancements.
  - Delivery of a centre for water-sports activities, based around the two lakes within the centre of the site.
  - Dedicated use of the Oast House and Barn for community purposes.
  - Contribution to education provision including through the safeguarding of land for a primary school to meet the needs of the wider population.
  - Provision of a significant improvement to the highway network through the reconfiguration of the Bat and Ball Junction, helping reduce traffic congestion and improve air quality.
  - Improvements to accessibility through the delivery of a network of cycle and pedestrian routes both through the site, including the strategic east west route linking Bat and Ball with Seal/Kemsing, and connecting with surrounding communities. This includes dedicated cycle routes along Bat and Ball Road and Childsbridge Lane (providing enhanced connection to Kemsing), a pedestrian link to Greatness recreation ground and upgrades to the public right of way network within and surrounding the site.
  - Delivery of other sustainable transport benefits through the Travel Plan, including the creation of an on-site car club.
  - The achievement of economic benefits, including the creation of 823 construction jobs over the lifetime of the project and an estimated 123 direct jobs within the development. There would be further indirect benefits generated through supply chain linkages and spending within the local economy, as well as funding generated through the Community Infrastructure Levy, Council Tax receipts etc.

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- 30 Concluding, it is considered that the development would deliver very significant contribution to meeting housing needs and benefits to the local community that these represent very special circumstances that would clearly outweigh the harm to the Green Belt and other harm.
- 31 The NPPF requires that decisions apply a presumption in favour of sustainable development. Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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. This is referred to as the ‘tilted balance’.
- 32 In the absence of a five year supply of housing land in the District, the most important policies for determining the application are out of date - the tilted balance therefore applies. I have had regard to policies for protected areas, including Green Belt, and have found that the case for very special circumstances would justify development. I have also found that the development will appropriately preserve the setting of the Area of Outstanding Natural Beauty (AONB) and would not harm the adjoining Site of Scientific Interest (SSSI) or Ancient Woodland. The development also provides the opportunity to deliver biodiversity enhancements.
- 33 It is therefore concluded that the development would be in broad accordance with other policies of the development plan, insofar as they are up to date and relevant, and those of the NPPF. Overall, subject to the conditions described and the provisions of the Section 106 legal agreement, the development is considered to be appropriate. The recommendation is for approval.
- 34 The report comprises the following sections:

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- Housing mix and affordable housing	350
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### Description of site

- 35 The site comprises approximately 94 hectares land situated on the northern side of Sevenoaks town, adjoining the areas of Bat and Ball, Greatness and Seal. The site is currently a working quarry, as it been for many decades, with a live planning permission granted by Kent County Council (the Minerals Planning Authority) for sand extraction that extends until the end of 2030. Significant parts of the site are given over to mineral workings and associated activities, plant, operations and infrastructure. The main access to the Quarry is via Bat and Ball Road in the south west corner. There is a secondary, unused access point at the junction of Watercress Drive and Farm Close, also on the south western boundary.
- 36 There are currently three lakes within the site, resulting from mineral operations over the years, referred to as the Western, Eastern and Northern Lakes. Extraction works are currently focused in the centre of the site, to the north of the Northern Lake. The ongoing quarrying activities means that landforms, topography and vegetation within the site are constantly changing as mineral extraction progresses over the site, with extraction works moving northwards and eastwards and parts of the existing waterbodies gradually being back-filled. Although the topography of the site will not be established until the minerals have been fully worked, the site generally slopes down into the quarry pit with raised land to the south and north. There is a central spine of raised land running north-south through the site, with land dropping on its east and west.
- 37 To the north of the quarrying activity are largely fallow fields, some of which will be worked for minerals over time. The rising land to the north has been subject to some landscape restoration, including the establishment of areas of tree blocks and pond habitats for Great Crested Newts.
- 38 Whilst the east and central parts of the site are given over to extraction activity, the south western corner of the site, between the central spine and Western Lake contains areas of hardstanding, buildings, structures and open storage. This includes site offices, a sand processing facility, mortar batching plant, aggregates bagging area and storage.
- 39 There are various existing buildings on the central spine. This includes a former Oast House, which sits in a raised position on the spine and is now a locally listed heritage asset. It also includes Greatness Farm Cottages, four existing, occupied homes. Further north on the central spine are four additional, now derelict dwellings, known as Brickworks Cottages. A former

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agricultural barn is present on the eastern boundary of the site, with an access from Childsbridge Lane. A Public Right of Way (PROW SU3) traverses the full length of the site from north to south.

- 40 There are some well-established tree belts around the site, including an area of Ancient Woodland on the eastern boundary. There are a number of other clusters or rows of trees and hedgerow throughout the site.

#### Surroundings

- 41 As noted, the site directly adjoins the urban area of Sevenoaks. Areas of housing, recreation space (Greatness Park) and Greatness Park Cemetery lie directly south of the site, largely separated by a raised ridge of land and dense belt of trees. The eastern boundary of the site is defined by Childsbridge Lane, beyond which are further residential areas of Seal. To the north of the site is an east-west rail line (the Maidstone Line) and agricultural fields, crossed by the M26 Motorway before reaching Kemsing to the north.
- 42 A parcel of land adjoining the North West corner of the site (south of the rail line) comprises a former landfill site, now largely restored to natural landscape - this site is also a geological Site of Special Scientific Interest (SSSI). The far western boundary of the site is defined by the north-south running rail line serving Bat and Ball Station to the south. The area immediately west of the site beyond the rail line, and connected by an existing pedestrian bridge, is home to a retail and industrial park, including large supermarkets.
- 43 There is a network of public rights of way surrounding the site.
- 44 Further details of the site and surroundings are referred to below as relevant to the various issues raised.

#### Relevant planning history

- 45 The site has an extensive planning history relating to its mineral working operations and associated plant and activities. Decisions on the site have largely been made by Kent County Council as the minerals planning authority for the area.
- 46 The current extraction activity is operating under minerals planning permission granted on 21 September 2010 (minerals planning permission reference SE/08/675), as subsequently amended. This allows quarrying works to take place until 31 December 2030, after which works shall cease and the site restored by the end of 2032. Condition 5 of this planning permission requires the submission every five years of a scheme for the progressive working and restoration of the site. There were also various landscaping conditions and a Section 106 Agreement which, amongst other things, stipulates the restoration and other landscaping and biodiversity measures for a minimum of 10 years after the final restoration of the site is agreed.

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- 47 Referred to as the ‘restoration masterplan’, the most recent restoration scheme was approved by KCC in 2020 (references SE/08/675/R5A or KCC/SE/0011/2019). This allows for the creation of landscaped open space, set around the retained lake. Opportunities are provided for recreation (picnic area and play space, community orchard, viewpoints and footpaths), as well as for habitat creation. The latter includes the establishment of species rich grassland, woodland, ponds and shallow water areas, and heathland.
- 48 This restoration masterplan is represents a future ‘baseline’ scenario for the site.

### Description of proposal and the application submission

- 49 The planning application seeks approval, in outline, for: “... up to 800 residential dwellings (Class C3), up to 150 residential institutional units (Class C2), business, retail, leisure and sports uses (Class E); land for a new primary school (Class F1); community uses (Class F2), re-use of former Oast House and existing barn off Childsbridge Lane, green open spaces including parks, play spaces, ecological areas and woodlands; vehicular accesses from Bat and Ball Road, Childsbridge Lane and Farm Road; associated infrastructure, groundworks and demolition.”
- 51 The above development is to be delivered in phases, as the mineral operations progress across the site until, as current planned, until 2030. The phasing will be defined at a later stage following the grant of outline planning permission, although the first phase is expected to be contained within areas where existing plant and buildings are located in the south west of the site.
- 52 An application for outline planning permission allows for a decision on the general principles of how a site can be developed. An outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters’. Reserved matters are those aspects of a proposed development that an applicant can choose not to submit details of with an outline planning application but can submit for approval at a later date. Planning legislation defines Reserved Matters as being: access; appearance; landscaping; layout, and scale.
- 53 For the current outline planning application, all matters are reserved and would be subject to subsequent applications in future.
- 54 Whilst submitted in outline, national planning guidance states that information about the proposed uses and the amount of development proposed for each use proposed is necessary to allow consideration of the application. In addition, regulations require that an outline application must indicate where access points will be situated.
- 55 In this respect, and in addition to the uses specified in the above description of development, the planning application is accompanied by key plans that define fixed elements of the proposed development. These comprise:



- Site Location Plan - defining the boundaries of the application site;
- Parameter Plan - defining the strategic layout of the site, including the location of access points, principal vehicle/cycle and pedestrian routes through the site, the distribution of development, reserved green and blue spaces and key features/focal points; and
- Site levels and Building Heights plan - defining levels across the site in its finished state and maximum building heights.

56 In addition, a 'Development Specification' confirms the quantum and mix of uses as follows:

- Up to 800 dwellings (Class C3 use).
- Up to 150 units of residential institution use, to allow for specialist accommodation for older people (Class C2 use).
- Up to 2,000m<sup>2</sup> of business, service and commercial uses (Class E uses) in total comprising a potential mix of retail, services, food and drink and indoor sport uses. No single outlet to exceed 500m<sup>2</sup>.
- Site for a new primary school, incorporating pre-school provision (Class F1 use), of up to 2.05 hectares in size.
- Local community uses (Class F2 use), including community meeting space, outdoor sports and recreation, and other meeting places. Up to 750m<sup>2</sup>.
- Open spaces and other landscaped areas including parks, play areas, weather protected structures, public art, woodlands, wildlife habitat areas, managed grassland, other formal/informal open space and ancillary maintenance buildings.
- Access roads including three access points to the public highway at Bat and Ball Road (primary access), Farm Road (secondary access) and Childsbridge Lane (limited access with no through road); with associated street lighting and street furniture.
- Pedestrian, cycle, vehicle and bus routes, including bus stops with associated street lighting and street furniture.
- Vehicular and cycle parking including electric vehicle charging points.
- Provision and/or upgrade/diversion of services including water, sewerage, telecommunications, electricity and gas and related service media, renewable energy infrastructure and apparatus including pumping stations, substations and pressure regulators.
- Drainage works including foul drainage infrastructure, Sustainable Drainage Systems and ground and surface water attenuation features.
- Demolition of existing buildings and structures, except for the former Oast House and Barn off Childsbridge Lane.
- Creation of the development platforms including ground works and re-modelling.
- Earthworks and landscape planting.
- Boundary treatments including construction hoardings.

57 A Flexible Lake Edge Zone would be provided, defined as a 25m zone between development and the lake to provide open space.

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- 58 The development must be delivered in accordance with the above Plans and Development Specification and a condition would secure this.
- 59 Further application material
- 60 The application is accompanied by additional drawings and material that indicate the approach to development and how it could be delivered on the site and documents that assess its impact on the site and surroundings. These include:
- A Design Principles document, also part of the Design and Access Statement, that sets out the design principles for the key character areas (Site Specific Principles - SSPs) and themed Site Wide Principles (SWPs) that act as a 'bridge' between an outline planning permission and detailed designs as they emerge at a later stage, to ensure quality and consistency. A condition would require that a Site Wide Design Code is prepared for the site that would need to be in substantial conformity with the Design Principles.
  - An Indicative Masterplan that illustrates how the development could be achieved, having regard to the above fixed elements and the Design Principles.
  - An Illustrative Phase 1 Plan, showing the likely boundary of the first phase of development, encompassing the south west corner of the site, and showing the location of the retained minerals operations activity, plant and access.
  - A series of technical and policy assessments comprising:
    - Design and Access Statement
    - Transport Assessment and Framework Travel Plan
    - Planning Statement
    - Green Belt Assessment, including Very Special Circumstances Assessment
    - AONB Assessment
    - Biodiversity Gain Statement and Technical Note
    - Protected and Priority Species Mitigation Strategy
    - Minerals Assessment
    - Drainage Strategy
    - Utilities Statement
    - Energy and Sustainability Statement
    - Sport and Recreation Statement

- Statement of Community Involvement
- The application is also accompanied by proposals for the reconfiguration of the Bat and Ball Junction between the A25 Seal Road and A225 Otford Road/St Johns Hill. This would see the current signalled junction replaced with a roundabout, with cycle and pedestrian facilities.

61 Environmental Statement

62 In this instance, the development also required an Environmental Impact Assessment, which considers the significance of the impacts of the development on a range of environmental factors and how these might be mitigated. The application has been accompanied by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Order 2017, as amended.

### Relevant Policies

63 National Planning Policy Framework (NPPF)

64 Sevenoaks Core Strategy (CS)

- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP9 Infrastructure Provision
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

65 Sevenoaks Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection

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- EN4 Heritage Assets
- EN5 Landscape
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- EMP5 Non Allocated Employment Sites
- G11 Green Infrastructure and New Development
- GB7 Re-use of a building within the Green Belt
- GB10 Green Belt Boundary
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Points

66 Kent Minerals and Waste Local Plan 2013-2030 (KMWLP), including:

- Policy CSM5 Land-won Mineral Safeguarding
- Policy DM7 Safeguarding Mineral Resources

67 Sevenoaks Town Neighbourhood Plan (Being Made on the 23 May 2023)

- Policy C1 (heritage assets)
- Policy C8 (setting of local landmarks)
- Policy L1 (biodiversity net gain)
- Policy L2 (flood risk and surface water management)
- Policy L4 (trees and hedgerows)
- Policy L5 (public open space and leisure opportunities, including at the Quarry)
- Policy M1 (promotion of walking and cycling)
- Policy M2 (promotion of LCWIP)
- Policy M5 (improved pedestrian / cycle crossings at junctions)
- Policy M8 (enhancement of bus services and facilities)
- Policy M9 (greener transport)

- Policy COM1 (health, education, faith and community infrastructure)
- Policy S1 (new sport facilities, including at the Quarry)
- Policy S2 (children’s play and outdoor sports / recreational facilities)
- Policy D2 (Sevenoaks Quarry)
- Policy D3 (housing mix)
- Policy D5 (energy efficient housing)

68 Other:

- National Planning Practice Guidance
- Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD).
- Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026, and accompanying guidance.
- Sevenoaks Landscape Character Assessment, 2017.
- Sevenoaks Residential Character Area Assessment, 2012.
- Sevenoaks Movement Strategy, April 2022.
- Sevenoaks Local Cycling and Walking Infrastructure Plan, January 2023.
- Sevenoaks Targeted Review of Local Housing Needs, 2022.
- Sevenoaks Older Persons Housing Study, 2022.
- Sevenoaks Green Belt Assessment, 2017

### **Constraints and Designations**

69 The following constraints apply:

- Metropolitan Green Belt
- Minerals Extraction Facility
- Public Rights of Way through and adjoining site
- Locally Listed Asset
- Biodiversity Opportunity Area
- Ancient Woodland (east boundary)

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- Adjoins Urban Confines
- Open Body of Water (2010)
- Site of Special Scientific Interest on north west boundary (Greatness Brickworks) (geological interest)
- Source Protection Zone
- Flood Zone 1 / Areas of Surface Water Flood Risk

### Consultations

70 For ease of reading, responses across the three rounds of public consultation have been summarised. The full responses of each consultee are available online in full.

#### Parish/Town Council responses

71 Sevenoaks Town Council - objection lodged

72 The Town Council consider the quantum of development on site (950 homes) to be an overdevelopment of the site, when compared to previous consultations on the Site for 600 homes (through the Northern Sevenoaks masterplan process).

73 Consequently, the Town Council raise concern that the development will have strategic infrastructure issues for local services (health care provision) and the transport network (congestion and access and parking issues along the three site access points), and would involve further built form to the east of the site, removing a green area within the town boundaries.

74 The lake, lakeside visitor centre, community centre use of the Oast House, and principle cycle/pedestrian connections are welcomed, however clarity is sought on how the public can access these facilities and how such facilities can be secured, along with when they will be delivered. Planning conditions are advised to secure these aspects as a minimum. The Town Council also welcome the reduced height parameters and advise these are secured by planning condition.

75 Concern is raised on how the cycle/pedestrian strategies will be made specific (rather than vague/undefined) and will be secured, and how walking and cycling can be secured around the proposed Bat and Ball Junction in a safe manner. Cycling/Pedestrian routes appear lacking and do not appear to be prioritised in the road/junction improvements, nor clearly outline connections to local facilities (such as local supermarkets, Seal Primary School, the Vestry Estate/Otford Road, and retaining a 'green corridor' to the Greatness Recreation Ground), and connecting to wider areas of Sevenoaks beyond the site.

- 76 The Town Council further highlight concern that independent analysis is required to identify the impacts on the road network (infrastructure and congestion) and road users (vehicles, bicycles and pedestrians). The Council disagree with the phasing of the development on the existing road network and highlight the Farm Road access cannot cope with an additional 150 dwellings before road improvements are made. The Council request these works are brought to the beginning of the development phase, as well as the Bat and Ball Junction improvements.
- 77 The Town Council seek further clarity on how many homes are to be delivered whilst the quarry works are operational and the development phasing will safeguard the local transport network and existing residential neighbourhoods. Clarity on the delivery of the Bat and Ball Junction improvements are also sought.
- 78 The Town Council also seek a design review panel for the development and securing of 40% affordable housing.
- 79 In summary, the Council consider the above aspects are necessary to justify the development under a case of Very Special Circumstances within the Green Belt.
- 80 Kemsing Parish Council - objection lodged
- 81 The Parish consider the scheme to be an overdevelopment of the site. Concerns raised for added pressure on existing infrastructure (drainage systems, medical facilities) and on the transport network (congestion from increased traffic movements along Pilgrims Way, Kemsing to Otford, and Childsbridge Lane). Particular concern owing to vehicle movements from the access to the site via Childsbridge Lane and it is unclear what the vehicle parking capacity is on this section of the site. The Parish queries the proposal for a new school, when this is outside the applicant's ability to build out (being the responsibility of Kent County Council).
- 82 Otford Parish Council - objection lodged
- 83 The Parish object to the proposed density of the site and consider this to have a detrimental urbanising effect on the setting of the Kent Downs Area of Outstanding Natural Beauty and support the objections raised by the AONB Unit.
- 84 The road network, sewerage network and medical services are also considered insufficient to cope with the 950 homes proposed and a specified plan for surface water runoff is needed. Concern is further expressed with regards to impacts of the proposed Bat and Ball junction roundabout on pedestrian crossing and smooth traffic flow.
- 85 The Parish recommend a condition is secured to prevent the Childsbridge Lane access route becoming a thoroughfare for vehicles from Bat and Ball.
- 86 The Parish recommend a condition that all green space allocation and recreational facilities on the development are protected and retained into

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perpetuity. Design and materials (including colour palette) also require careful attention and to be secured by condition.

87 Seal Parish Council - objection lodged

88 The Parish highlight the original minerals consent for the site which required restoration of the site with public access and clarify that the Parish have sought in emerging planning policy (emerging Local Plan and Sevenoaks Town Neighbourhood Plan) for retention of the Green Belt, strictly limited access to the site from Childsbridge Lane, early and effective improvement of the Bat and Ball junction as part of a strategic approach to A25 congestion, provision of effective pedestrian/cycle network, a new primary school, and preventing motorised sports on the lake.

89 The Parish object to the development on the following grounds:

- Green Belt - The site is inappropriate development in the Green Belt and fails to protect the open part of the site from future development.
- AONB - The Parish Council is concerned that the development will be prominent in some views of the site, including those from higher ground, and will harm the setting of the AONB, notably the North Downs
- Junction Capacity and existing road network - development exacerbates existing congestion both within Seal and on the approach to Seal, causing major delays along A25 and roads which join to this. Disagree with proposed mitigation measures and consider it essential that impacts of development on A25 to the east are modelled, and a planning strategy for the A25 as a whole is provided. Welcome a planning condition requiring Bat and Ball Junction improvements to be completed before occupation of 150 dwellings or more. Would also request a planning condition to restrict vehicular access and car parking facilities along the Childsbridge Lane access.
- Level crossings and Childbridge Lane Rail Bridge - consider the proposal for traffic signals over Childsbridge Lane Road Bridge to be problematic (leading up to PROW SR76) as there is no footpath (dangerous to pedestrians) and no usage data to evidence this approach is necessary. The Parish believe the solution is a light foot/cycle bridge alongside the road bridge and urge that this becomes the adopted solution.
- Cycle and pedestrian improvements between the site and surrounds - support KCC's comments that measures are necessary to avoid severe congestion to the highways network. The quarry development should incorporate measures to improve safe access to the site to secondary schools at Wildernesse and beyond as outlined within the Sevenoaks Urban Area Local Cycling and Walking Infrastructure Plan (LCWIP), and measures initiated by the Parish and KCC to: reduce speed limits on the A25 and Childsbridge Lane, improve the Ash Platt footpath (SR165/SU4), and provide a "walking bus" route to Seal Primary school.



- Funding - the Parish is concerned there is insufficient funds for all the works and services requested by third party consultees. The Parish urge for highway and education funding measures to be given the greatest priority in CIL, S106 and S278 funding mechanisms.

- 90 Planning conditions recommended: retain open area and lake as a clear boundary to development; require climate change and sustainable drainage standards and measures; limit the number of dwellings; measures to ensure new development enables occupants to 'work from home'; effective and early delivery of Bat and Ball Junction improvement - and enhancements to the existing scheme, and traffic sensitivity test; strict limits to vehicle access from Childsbridge Lane; provision of safe and effective pedestrian/cycle connections; ensure delivering of primary school; to exclude noisy water sports; drainage and flood risk strategy; to provide a masterplan for the development; to safeguard minerals.
- 91 In addition the Parish has suggested amendments to draft Planning Obligations within their initial response dated 15<sup>th</sup> April 2022.

Other Consultees

- 92 Archaeology, Kent County Council - no objection, subject to conditions
- 93 This proposed development site lies within a broad area of potential for archaeological remains of Palaeolithic through to Modern periods. Much of the site has been quarried but there are some areas unquarried and these have multi-period potential. In view of the archaeological discoveries on the site itself, especially the Palaeolithic findings, there is a need to consider at an early stage geo-archaeology and archaeology as part of the restoration and redevelopment scheme. There is potential for archaeological remains on this site which would need appropriate mitigation.
- 94 The DBA by TVAS does not seem to have been amended and does not seem to have addressed concerns regarding post medieval and modern industrial heritage. So the TVAS statement on page 18 that this site carries no potential harm to any heritage asset and no archaeological implications, is not fully substantiated and I do not agree at this stage. The DBA by TVAS is not acceptable.
- 95 However, in view of the welcome additional work on the geoarchaeological potential, I accept that archaeological issues can be covered by conditions.
- 96 Planning conditions recommended: for geological field evaluation works and archaeological field evaluation works prior to development commencing; securing implementation of a heritage interpretation programme, prior to occupation.
- 97 Kent Downs Area of Outstanding Natural Beauty (AONB) Unit - objection lodged
- 98 Whilst the AONB unit welcomed the additional material (including changes in the height parameters of the site) and photomontages submitted in the

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application, objection is raised to the introduction of large areas of built development, unmitigated or filtered by any substantive structural planting in view from the AONB, in respect of the large development parcel at the eastern end of the site. This is evidenced by Viewpoint 13 within the Landscape and Visual Impact Assessment (LVIA) and photomontages showing the proposed bulk of development. This would contrast to existing built form which is generally broken up with well-established tree planting. Viewpoint 14 would also be impacted by the development to a lesser extent.

- 99 The AONB unit conclude the development would significantly diminish views from the Kent Downs AONB, introducing a substantial new development that fails to incorporate appropriate mitigation and fails to meet the key policy test of being designed to avoid or minimise impacts on the setting of the AONB, thereby failing to conserve or enhance the AONB.
- 100 The AONB unit contend the AONB assessment is of limited benefit within the setting of AONBs and the assessment lacks assessment of tranquillity impacts (from increased lighting and impact on dark skies).
- 101 The proposed mitigation measures (tree planting around lake, landscape tree network and retention of wooded slope to backdrop of development) are not considered sufficiently robust to address the harm identified. Recommendations on design principles for the site are also recommended in the full response of the AONB Unit.
- 102 Designing out Crime, Kent Police - no objection, subject to condition
- 103 If this planning application is approved, we would like to request that a condition is included as part of the planning approval to ensure that Crime Prevention is addressed effectively and opportunities to design out crime are not missed.
- 104 Planning conditions recommended: pre-commencement details of measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).
- 105 Ecological Advice Service (EAS), Kent County Council - objection lodged and additional information sought prior to determination.
- 106 Kent EAS question the Biodiversity Net-Gain (BNG) validity, given the calculations to not satisfy two trading rules for BNG assessments. The BNG figure of 5.12% is considered insufficient and KCC EAS recommend the BNG assessment is re-done and revised to ensure a net-gain in habitat units is achieved at a higher percentage than 5.12%.
- 107 A more robust strategy for protecting and implementing mitigation measures for reptiles and ground-nesting Skylarks is needed. An artificial sand martin nesting bank is supported. Further information is also required to identify whether badgers are present on the site.
- 108 Kent EAS are surprised by, but accept, the findings that no bat roosts are present on site. A sensitive lighting design is recommended by condition.

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- 109 Further information requested: more details on the mitigation strategy for all protected species on site, including a counter signed District Level Licence enquiry form; further information on BNG and revised metric calculations to secure a greater net gain in habitat units than the c.5% stated; sensitive lighting strategy for bats.
- 110 Notwithstanding the concerns raised, further advice has been given regarding the conditions to be used.
- 111 Environment Agency - No objection subject to planning condition
- 112 No objection, subject to conditions. Disappointment expressed that restoration masterplan would not be delivered. Request for shallow margins to lake be created to provide wildlife habitat.
- 113 Planning conditions recommended: pre-commencement for remedial contamination strategy and for connections to foul and surface water drainage systems; no occupation of the site until verification report submitted for remediation strategy; dealing with previously unidentified contamination; restricting surface water drainage into ground; piling and foundation details; and flood risk assessment and mitigation.
- 114 Economic Development (Development Contributions and Education), Kent County Council - financial infrastructure requested to be secured via CIL and Section 106 funding.
- 115 Financial and other contributions are sought as follows: £5.4 million primary education, primary land (provision of 2.05 ha serviced and free of encumbrances), £4.14 million secondary education, £3.5 million secondary land, £374,336 for community, social care and waste services.
- 116 The approach now agreed between SDC and KCC is that there should be contributions secured in a s106 obligation where it has been demonstrated that a development generates a need for further education capacity and that there should be a structure for discounts from those s106 contributions proportionate to any CIL awards made by SDC to KCC for such infrastructure.
- 117 We further request that CIL receipts are allocated towards the remaining services, so that the impacts of this development are properly mitigated.
- 118 Subject to planning approval, KCC will require a similar form of s106 agreement to be completed to that agreed with SDC in respect of development at Broom Hill (SE/21/04181/OUT) and Land South of Little Brittain (SE/21/04236/OUT)
- 119 Environmental Health / Land Contamination (Sevenoaks District Council) - no objection, subject to conditions
- 120 Further information was originally requested to understand potential noise, air quality and contamination risks associated with the ongoing phasing out

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of the commercial quarry operations on the site, together with the build out of the new residential and community development proposed.

- 121 Having regard to chapters 8, 9 and 11 of the environmental study, Environmental Health are satisfied with the assessments made and the initial mitigation suggested for noise impacts and air quality. Planning conditions are recommended to secure the initial mitigation and to secure identifying further mitigation for each phase of the development.
- 122 Ground contamination requires further investigation in each phase of the development and can also be resolved through planning condition.
- 123 Planning conditions recommended: to secure noise and air quality mitigation, and intrusive investigation, remediation and verification of ground contamination.
- 124 Forestry Commission - comments only (standing advice only, no site-specific advice)
- 125 Highways and Transportation, Kent County Council - no objection, subject to condition
- 126 Kent Highways are satisfied with the information provided on vehicle trip generation, visibility splays, emergency access, junction capacity assessments, and impact assessments on the road network (including the A25 Seal Road / Seal Hollow Road/Filmer lane and Bat and Ball Junction). KCC Highways further consider road safety mitigation measures can be secured through planning condition, following the findings of a Road Safety Audit.
- 127 Kent Highways have also raised no objection to the impacts on pedestrian and cycle infrastructure, highways safety with regards to crash plots and vehicle tracking diagrams.
- 128 Kent Highways recommend the designs for the farm road access improvements, pedestrian/cycle infrastructure and the Bat and Ball roundabout junction are put through the Technical Approval Process (TAP), as an informative (rather than planning condition), to be dealt with outside of the Planning Process.
- 129 Finally proposals for buses to service the development should be secured through S106 legal agreement, and a mobility hub can be requested through condition in conjunction with a site Travel Plan. Kent Highways await the response of Network Rail on the closure of a Level Crossing. Any closure would require an alternative Public Right of Way provision and if a new route is required a footbridge over Childsbridge lane is essential. Kent Highways highlight the current bridge is not a KCC asset and traffic signalling to this existing bridge would be difficult to achieve.
- 130 A legal agreements (S106 and S278 agreements) are recommended to secure: Bat and Ball Junction improvements to be completed before the occupation of more than 150 dwellings; safe and suitable cycle/pedestrian

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improvements between site and surrounds; safe and suitable Greatness Lane/Mill Lane passing/parking measures; a new footbridge or route to replace a level crossing on SR75; involvement in a bus improvement strategy, a bus interchange and bus stop upgrades; site and emergency access; financial contribution towards a Travel Plan and mobility hub, to be approved in advance of delivery of the school; and a Construction Management Plan.

- 131 Housing Policy (Sevenoaks District Council) - no objection, subject to securing a Section 106 Agreement.
- 132 A policy compliant level of affordable housing - 40% (up to 320 homes) is proposed, with the mix of tenures set out in policy, acknowledged. We would look for the affordable housing to be provided as set out in the Affordable Housing SPD 2011 and the December 2021 policy update.
- 133 It should be secured through the template Section 106 Agreement. We would look for the M4 (3) compliant homes to be provided as Affordable Rented Housing or Social Rented Housing.
- 134 Early discussion with the Housing Strategy Manager and Head of Housing is recommended. These discussions will help determine how the tenure mix, dwelling type, size and location of the Affordable Housing will be secured at outline stage and reflected in the Section 106 Agreement (via the Affordable Housing Plan).
- 135 Legal agreement recommended to secure stated housing delivery.
- 136 Kent Fire and Rescue Service - no objection. Further details recommended
- 137 Access to the site appears satisfactory. A more detailed site plan to confirm access to individual plots, and a swept path analysis for a fire appliance would be helpful.
- 138 Kent Wildlife Trust (KWT) - objection lodged
- 139 Objection over lack of detailed mitigation measures (for example, buffering for ground nesting birds, dormice and small mammals to reduced predation; and absence of winter bird surveys). Concern over the direct loss of priority habitats (open mosaic habitat, lowland mixed deciduous woodland and standing open water). The KWT encourage in particular the open mosaic habitat is retained owing to its biodiversity potential.
- 140 Further objection that the Biodiversity Net Gain (BNG) calculations do not have supporting ecological documents and metric calculations (such as condition score assessments) for a reliable BNG assessment. 5.12% BNG also falls below the 10% minimum BNG requirement of the Environment Act, 2021. KWT clarified in their final response that the site is not part of a Local Nature Reserve.

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- 141 KWT highlight the site is within a Biodiversity Opportunity Area (BOA) and express disappointment over the proposed development, in lieu of the quarry restoration plan.
- 142 Lead Local Flood Authority (LLFA), Kent County Council - No objection subject to conditions
- 143 Agree in principle to the development. The approach to a surface water attenuation is agreed and it is recommended that underground services (such as foul sewers) are routed outside of permeable paving areas.
- 144 The LLFA provide comments for the detailed design stages of the development to request detailed drainage system modelling, details of swales and basins and provide advice on the design of basins/ponds and consideration of water storage options with considerations to maximise open space and biodiversity opportunities. Other standing advice is provided in the full response.
- 145 Planning Conditions recommended: pre-commencement details for surface water drainage assessment and management scheme for each phase of the development, and subsequent verification reports; a phasing plan to outline the construction of drainage infrastructure ahead of development in each phase and confirms the volume of attenuation and any discharge limitations from each phase.
- 146 Line Search Before U Dig (LSBUD) - comments only, to highlight SGN and UK Power Network lines may be affected by the development.
- 147 Minerals and Waste, Kent County Council - no objection, subject to conditions
- 148 The team are satisfied the sand reserved on site will not be sterilised and appropriate measures are being implemented to minimise the impact of mineral working on the occupiers of the development. The team is also satisfied with the proposed approach for dealing with the existing planning obligations included the Section 106 Agreement dated 20 September 2010 (i.e. that associated with mineral planning permission SE/08/675 dated 21 September 2010) set out in the Minerals Assessment Addendum.
- 149 On this basis, Kent County Council as the Minerals and Waste Planning Authority (MWPA) is content to withdraw its earlier holding objection in respect of mineral safeguarding subject to Sevenoaks District Council giving appropriate consideration to the amenity of future occupiers of the proposed development whilst mineral working continues and including appropriate conditions or planning obligations to secure suitable measures (including those proposed in the Minerals Assessment Addendum to address noise and dust) as part of any planning permission.
- 150 The MWPA will also expect Tarmac to bring forward proposals and submit an application(s) for the relocation of the plant, buildings and associated operations and infrastructure which are consistent with the objective of

minimising impact on amenity and the environment at an early stage in order to provide continuity of mineral working at the quarry.

- 151 Planning conditions and/or legal agreements recommended: information to safeguard residential amenities during the ongoing mineral operations (including addressing noise and dust); proposals for the re-location of plant, buildings and associated operations and infrastructure.
- 152 National Highways - no objection, subject to condition. A planning condition to secure a Construction Environmental Management Plan (CEMP) is recommended.
- 153 Natural England - no comments, standing advice provided only
- 154 Following an initial request for further information to understand the impacts of the scheme on the Kent Downs Area of Outstanding Natural Beauty (AONB), Natural England raised no objections or formal comments on the amended scheme and offered standing advice only.
- 155 Network Rail - objection lodged
- 156 Network Rail has carried out a Development Impact Assessment on Sevenoaks Footpath Level Crossing which has concluded that this development will significantly increase the risk at Sevenoaks Footpath Level Crossing (from 6 to 100 traverses per day). As a result, Network Rail holding object to the proposal.
- 157 If the development of 800 homes south-west of the Crossing does get approval for development, Network Rail recommends that the Council includes restrictions or conditions for the developer to install a footbridge at this location and close Sevenoaks Footpath level crossing.
- 158 Options proposed for this closure are:
- Closing the existing footpath crossing with installation of a footbridge will eliminate the risk whilst still providing access to the rural land on the north side of the railway. This option would cost in the region of £1 million. This option may also give an opportunity to close Seal crossing, to the east of the Crossing, thus reducing the risk further.
  - Close the crossing by using the existing Childsbridge Lane over bridge and diverting the PRoW through 3rd party land on the north of the Crossing, however there is currently no safe pedestrian walkway over the bridge, so this would require significant improvement and/or a traffic management system.
  - Miniature Stop Lights (MSL's) display a red and green light at the crossing as well an audible alarm, informing users when a train is approaching. They are available in two principal variants: a cheaper, overlay system normally deployed at locations with no underlying complexities (i.e. approximate signals, junctions, lines merging etc.) and the more expensive, integrated system which is required for more challenging

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locations which necessitate, in order for the system to work, its integration with existing signalling infrastructure.

- The Crossing is within close proximity (approx. 1 mile) to Otford Junction, this means that a system requiring integration into the signalling system is likely to be required. Due to sighting that is achieved at the Crossing MSLs would also not lower the risk to as low as reasonably practicable and are open to vandalism and misuse.
- 159 Network Rail require the applicants to evidence that drainage and site development will not cause increased flood risks to rail infrastructure and assets.
- 160 Planning conditions/legal agreements recommended: securing the closure of the level crossing and replacement with a footbridge.
- 161 Sevenoaks District Council Planning Policy - Comments, recommended conditions and request for further information
- 162 Planning Policy highlight the policy requirements for affordable housing (40%), the need for a Very Special Circumstances Case (VSC) for the Development within the Green Belt and seek further information (by condition) on how the site will support the District Council's Sevenoaks Urban Area Local Cycling and Walking Infrastructure Plan (LCWIP) and attain a 10% Biodiversity Net Gain for the site as part of the VSC case. This BNG requirement is included within the Sevenoaks Town Neighbourhood Plan (NP) which must also be given weight, being in the last stage of being 'made' to become part of the Sevenoaks Development Plan. Policy D2 of the Neighbourhood Plan is also relevant.
- 163 As part of the VSC, policy view early delivery and funding of the community facilities, the school and community infrastructure as essential, alongside the ongoing management and maintenance of these facilities and Country Park. Improvements to Bat and Ball station, bus services, and pedestrian/cycle lanes and bridges are welcomed and should be secured. Improvements must account for more vulnerable road users (cyclists/pedestrians) and should be investigated further. The introduction of a C2 use (housing for older persons) requires justification on whether this is a local need and is appropriate for the site.
- 164 The proposed site density is considered appropriate with opportunities to further increase this density in light of emerging policy. Policy support recommendations of a Design Review Panel for further density studies and parking standards to be undertaken, as well as understanding how sustainable building methods and renewables will be incorporated into the development.
- 165 Policy continue to support a development strategy which focuses on growth in existing urban areas/brownfield land, with release of Green Belt in exceptional circumstances. The Quarry site meets criteria for Green Belt release. Further information on how the development responds and enhances the setting of the AONB is also required.

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- 166 Finally, Policy support conditions to secure the phasing of the development to avoid sterilising mineral resources and to protect residents during this phasing. It is recommended that Health Impact tools and analysis is used to consider how the development can best improve health and well-being for future occupants and visitors.
- 167 Planning conditions recommended: active travel route improvements and electric car club offer; requirements to achieve a BNG of 10%; securing early delivery of community facilities and infrastructure and community use agreements for the facilities, alongside secured funding for delivery; securing highways and walking/cycling improvements; details of sustainable building methods and incorporation of sustainable/renewable energy; to secure early delivery of Waterside Country Park and its ongoing management.
- 168 Further information requested: how the development enhances the setting of the AONB; further density studies and parking standards; evidence a C2 use housing for older people is needed in the local area, and what levels of C2 use (levels of care to be provided) are proposed; consideration of vulnerable road users for highways improvements.
- 169 Public Rights of Way (PROW), Kent County Council - no objection subject to conditions
- 170 The proposed application site is crossed by Public Footpath SU3, which runs northwards from Farm Road and, having crossed a railway and the M26, leads into Otford. A section of Public Footpath SU3 also touches the southern tip of the site's western boundary, the footpath running from Farm Road north-west and crossing the railway to The Moor Road. Additionally, the site's south-eastern boundary runs immediately adjacent to Public Footpaths SU4 and SR165. These paths run between Seal Road and Childsbridge Lane, connecting Sevenoaks to Kemsing.
- 171 The PROW team are satisfied direct impacts on the existing PROW as a whole will be reasonably limited and can be mitigated through planning condition and Section 106 contributions.
- 172 Regarding the existing PROW on the site (SU3) there is likely to be a more significant increase in use requiring attention for existing poor drainage along the path and some replacement of the path, which can be secured through a Section 106 contribution of £18,000 (with some money returned on completion if full money not spent). A Planning condition to acquire further details of how the PROW will be affected in each phase of the development is advised.
- 173 Regarding off-site connectivity, the PROW team note opportunities to connect the on-site PROW network (SU3) to a PROW off-site (SR75), and are satisfied that the provision with the site and the exit points will provide good connectivity from the site into the surrounding areas and may, given the above planning condition, allow the opportunity to formalise some of those connections by dedication as PROW where they will serve the wider

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public rather than just the local residents. No significant increase in use of SR75 would occur.

- 174 The PROW also welcome provision of an on-site path which largely mirrors the existing public of way off-site (SU4/SR165) in a more open and pleasant environment and with connections that are broadly similar or arguably better than this existing PROW. There is a connection onto the path which may lead to an increase in traffic wishing to connect with the schools at the south end of SU4 but this route has already been improved with Local Transport Plan funding a few years ago and will remain as good as it can be for quite some time.
- 175 SGN - standing advice provided (not site-specific)
- 176 Sports England - no objection, subject to conditions
- 177 Sports England welcome the water Based Sports and on site provision and seek to secure their timely delivery within a s.106 legal agreement. Signposting to 'Active Design' guidance and relevant guidance for future sports opportunities for the primary school to deliver playing pitches, courts or indoor facilities is provided in the full response of Sports England and a recommendation for Community Use Agreements.
- 178 Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery
- 179 Plan (or similar) and direct CIL monies to deliver new and improved facilities for sport.
- 180 Thames Water - no objection, subject to conditions
- 181 Thames Water are currently working with the developer of application 22/00512/OUT to identify and deliver the off-site FOUL WATER infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the foul water network to serve pump rate of 10 l/s but beyond that, upgrades to the waste water network will be required. Details to be secured via planning condition, to ensure development doesn't outpace the delivery of essential infrastructure.
- 182 Thames Water also wish to raise duties around groundwater to the developer's attention via an informative on the planning decision notice.
- 183 The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. If this changes, Thames Water would need to be consulted as a material change to the application.
- 184 Water supply comments should be provided by South East Water Company.

- 185 Planning conditions recommended: to limit housing until further foul water infrastructure can be provided.
- 186 Transport for London (TfL) - no objection
- 187 The proposed development does not appear to have any impact on TfL projects, services or infrastructure.
- 188 Sevenoaks District Council Tree Officer - no objection subject to conditions
- 189 The site is clear of notable vegetation and Ancient and Semi-Natural Woodland (ASNW) has been previously removed from the site as part of the site's mineral extraction. Therefore it is recommended planning conditions are secured for extensive new planting/landscaping, and tree protection measures for all retained planting on site.
- 190 Planning conditions recommended: secure extensive site planting and landscaping; tree protection measures for retained planting on site.
- 191 UK Power Networks (UKPN) - standing advice provided (not site-specific)
- 192 Sevenoaks District Council Urban Design - no objection, conditions recommended
- 193 Supportive of the approach to the Design Principles Document, which draws on the principles of the National Design Guide. There are opportunities for certain principles to provide greater clarity to ensure the principles are delivered successfully within future reserved matters applications. They include principles for: walkable neighbourhoods, promoting health and wellbeing, restored and integrated landscape, integrated parking, biodiversity and habitat enhancements, public space, and character and identity (of place).
- 194 Planning conditions recommended: it is advised a design code is provided prior to submission of the reserved matters application to provide a site wide vision over the 15 year development timeframe.

#### Societies and Groups

- 195 British Horse Society - object unless financial contributions /measures are secured by planning condition to improve local public rights of way for equestrian use and make safe road crossings for equestrian use.
- 196 Campaign for the Protection of Rural England (CPRE) - object to the sites location within the Green Belt. The proposal for 950 homes is considered an overdevelopment of the site and the extent of built form has increased east since the Neighbourhood Plan was consulted on. The high density areas are considered to detract from the quality of the design and the Oast House should remain the highest building and its roof form prominent. Design must remain high quality. CPRE consider the Greatness Lake Park needs to be delivered early on and the green link to Greatness Recreation Ground must be kept and enhanced. The development is adjacent to the AONB Unit, who

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have not been consulted on the proposal. Intensifying development in the north Sevenoaks area would impact on the setting of the AONB, and Viewpoint 13a suggests that such a concentration would add significantly to light pollution and affect the countryside beyond. The scale of the development and its consequent impacts raise matters which go beyond planning conditions and we therefore think that outline permission should not be granted.

- 197 Darent River Preservation Society - We would like to query the availability of water supply for the above development. The ecology of the River Darent needs your support as it is again under threat from over-abstraction. We understand the need for further housing (but not necessarily in the south east) and if SDC is minded to allow the development, we request that the principles of Water Neutrality, as laid out by Natural England, should become central to the plan. This could make this a flagship development for Sevenoaks and enable the district to become a leader in sustainable green housing schemes.
- 198 Sevenoaks District Scout Council - support the development. Agreement has been reached that if planning consent is obtained for the Sevenoaks Quarry development the barn would be transferred to the District Scouts who will then seek planning permission to convert the existing barn to a new scout centre and allow the Seal Scout Group to be based in the local area. Supportive of the new water sports facility and seek to include leisure facilities (such as climbing) within the Scout centre for wider community use. The provision of nature areas, cycle ways and walking routes connecting the Barn to other areas of north Sevenoaks through the development are also welcomed, alongside improvements for pedestrians and cyclists over the railway bridge on Childsbridge Lane to provide safer access for the young people who would use the facilities at the Barn.
- 199 Sevenoaks Society - support the development in principle for housing and raise no objection to the general scale of development proposed, but raise concerns over traffic congestion, air pollution and use of the Farm Road access, as well as concerns over the design and sustainability of the development and provision of health and education facilities. Concerns over the additional traffic on Greatness Lane and Mill Lane, and the phasing and dimensions of the roundabout are raised. The traffic modelling is also questioned. The critical mass for community facilities is also questioned alongside wider design and sustainability concerns.

### Representations

#### 167 total

- 200 15 letters of support received, welcoming the creation of new housing, affordable housing, improvements to existing walking/cycling links, and the leisure and community facilities proposed from the development (for example a waterside country park, new school and community uses).

201 152 letters of objection received. Of these objections the strongest objections were on the following grounds (with the number of objections in brackets):

- Exacerbating existing traffic congestion and road/rail infrastructure concerns (126)
- Lack of social infrastructure (GPs, Dentists, Schools etc.) - pressuring existing resources (45)
- Highways safety concerns, from new site access points and suggested road network measures (e.g., Bat and Ball Roundabout pedestrian and cyclist concerns, passing bays near site access and Childsbridge Lane road bridge) (41)
- Require the land to be returned a nature reserve, as per original minerals and waste agreement - harmful to Green Belt land (35)
- Health impacts associated with fumes/dust/air pollution/ground pollution from the development, its construction, and traffic increases (28)
- Inadequate water infrastructure (drinking and foul water), and impacts on flood risk of area (18)
- Emerging national policy, reducing the need for more housing in District particularly on Green Belt land - Council and developer are prioritising financial gain over public objection (11)
- Overdevelopment of the site/area (10)
- Environmental impacts of the proposed scheme - loss of biodiversity, habitats and indigenous wildlife (9)
- Harm to quiet community character of existing area - roads becoming a 'rat run' and detracting from village/community feel (6)
- Impact on setting of Area of Outstanding Natural Beauty (from scale of development) (6)

202 Other concerns included: impacts on residential amenity (loss of view/outlook/privacy/light), damage to privately owned roads, the long term maintenance of the development and procedural issues (for example illegible consultation letters requiring re-printing).

#### **Chief Planning Officer's Appraisal**

203 This part of the report contains the Officer's assessment of the application. The main considerations, which are considered in turn below, relate to the following:

- Policy context;

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- Principle of the development - location and uses;
- Principle of the development - Green Belt;
- Design, scale and density;
- Housing mix and affordable housing;
- Impact on the character and appearance of the area, and on the Area of Outstanding Natural Beauty;
- Heritage impacts;
- Transport and access;
- Trees and Landscape
- Biodiversity;
- Residential Amenity;
- Air Quality;
- Flood Risk and Drainage;
- Findings of the Environmental Impact Assessment;
- Infrastructure;
- Community Infrastructure Levy;
- Other matters;
- Very Special Circumstances;
- Conclusions and Planning Balance.

### Policy Context

- 204 Planning law, set out within Section 38(6) of the Planning Compulsory Purchase Act 2004, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 205 The current adopted development plan for Sevenoaks District Council is the Sevenoaks Core Strategy 2011 (CS) and the Sevenoaks Allocations and Development Management Plan 2015 (ADMP). The Kent Minerals and Waste Local Plan (KMWLP) also forms part of the development plan.
- 206 At the point that this report is finalised, the Sevenoaks Town Neighbourhood Plan has received a majority vote in favour at referendum, and awaits a decision by full Council on 23 May 2023 to confirm whether the Plan can be

‘made’. If made, the Neighbourhood Plan would form part of the Adopted Development Plan for the site. Confirmation will be provided of the status of the Sevenoaks Town Neighbourhood Plan in the late observation papers. This is a significant change, as it identifies the Sevenoaks Quarry as opportunity site for development.

- 207 The key policy allocations and designations relevant to the site, as identified within the current adopted development plan, are set out in the Constraints section above. Of particular note, this includes the site’s location outside (but adjoining) the urban confines of Sevenoaks Town and within the Metropolitan Green Belt, where restrictive policies for the protection of Green Belt and the countryside apply. The KMWLP also safeguards the site for the extraction of sand.
- 208 The development plan for Sevenoaks District is undergoing review. Formerly, this review resulted in the publication of a Submission Version of the Sevenoaks District Local Plan in December 2018, submitted to the Secretary of State for examination in April 2019. This plan was subsequently withdrawn and SDC has embarked on the preparation of the now emerging draft Local Plan 2040. The first ‘Regulation 18’ draft of this Plan was published for consultation in November 2022, with a further draft due to be issued for further consultation in Autumn 2023.
- 209 The policies of the former draft Local Plan hold no weight in decision making. With regards to the policies of the emerging Local Plan 2040, paragraph 48 of the NPPF advises that local planning authorities may give weight to relevant policies in emerging plans according to:
- “(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
- 210 The policies of the emerging Local Plan 2040 hold limited weight due to their early stage in the plan-making process.
- 211 Notwithstanding this, it is relevant to note the status of the Sevenoaks Quarry site within the former and emerging draft Local Plan, and the considerations that have led to this identification, and to draw on the evidence base that informed these plans. As seen in recent appeal decisions, this evidence base can be a relevant material consideration.

#### Submission Local Plan 2018

- 212 The former Submission Draft Sevenoaks Local Plan proposed “A Balanced Strategy for Growth in a Constrained District”, where development would be

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focussed within existing settlements (particularly the four towns) and promoting sustainable patterns of development by permitting development in the Green Belt only in exceptional circumstances. Where development would result in significant improvements in the sustainability of settlements though the provision of social and community infrastructure, it was proposed to alter Green Belt boundaries and allocate sites for development.

- 213 At that point, the Plan was seeking to meet assessed needs for 13,960 homes and 11.6ha employment land.
- 214 In this context, the draft Plan identified two strategic sites for development in the Green Belt, namely the Four Elms Road site in Edenbridge and Sevenoaks Quarry, i.e. the application site. Both sites were proposed for allocation for development and removal from the Green Belt. In support of their release, the draft Plan confirmed that those sites were next to a top-tier settlement, thus within a sustainable location, were within weakly performing Green Belt and outside the Areas of Outstanding Natural Beauty in the District, and had the ability to provide infrastructure that is sought by the local community and compensatory environmental improvements.
- 215 Sevenoaks Quarry was proposed for mixed use allocation under site reference ST2-13, the allocation proposing the delivery of 600 homes; recreational / leisure uses in conjunction with 'Greatness Lake'; mixed use lakeside facilities for sports, recreation and leisure; new pedestrian and cycle connections within and beyond the site; improvements to Bat and Ball Junction; supporting local community and social infrastructure.
- 216 A Green Belt Assessment prepared as part of the evidence base of the emerging Local Plan (SDC Green Belt Assessment January 2017) informed this allocation.
- 217 This site was assessed within the Green Belt Assessment as part of wider Parcel 61, which was found to prevent the coalescence of Sevenoaks and Seal and prevent the outward sprawl of Sevenoaks. While the wider Parcel 61 was considered to be strongly performing Green Belt, a sub-area referred to as area RA-18 - encompassing Sevenoaks Quarry and the Greatness Recreation Ground and Cemetery - was considered more weakly performing. Here, the impact of quarrying and landfill activity was recognised as having a substantial impact, severing the connection with the surrounding countryside, with the site playing a limited role in preventing the merging of settlements. Given its semi-urban character and the level of existing development, the area was considered to have a stronger connection with the surrounding settlement and a reduced role in preventing urban sprawl.
- 218 Sub-Area RA-18 was therefore identified as a Recommended Area for further consideration for Green Belt release. This led to the identification of the application site for residential led mixed use development within Submission Local Plan.
- 219 The assessment that led to the recommended removal of the site from the Green Belt and to deliver an urban extension remains a material consideration to the current application.

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Emerging Local Plan 2040 (LP 2040)

- 220 The emerging LP 2040 sets out a Spatial Vision for Sevenoaks District, intended to deliver the development needs of the District. This includes meeting an identified need to deliver 714 homes per annum within the District over the plan period (13,566 over the plan period), in addition to other development and infrastructure needs.
- 221 The Strategy outlined in the emerging LP 2040 seeks to fully explore opportunities to accommodate strategic development needs within existing settlements, only releasing Green Belt land where there are exceptional circumstances, when all reasonable alternatives have been explored. In this context, the emerging LP 2040 continues to identify Sevenoaks Quarry as a Strategic Development Site to accommodate the sustainable growth of Sevenoaks as the principal town in the District.
- 222 The promotion of the site in previous and now emerging Local Plan is an indication both of the ongoing, unmet need for housing in the District as identified by SDC and of the site being suited for this type of the development in the context of its relationship to Sevenoaks town and its poor performing role as Green Belt.

Sevenoaks Town Neighbourhood Plan

- 223 On 4 May 2023, the Sevenoaks Town Neighbourhood Plan (STNP) was taken to referendum where it received a majority vote in favour of its adoption. It will now return to Full Council for confirmation that the Plan is ‘made’ (equivalent to the adoption of a local plan) on the 23 May 2023. If made, the STNP will hold statutory weight as part of the development plan.
- 224 The STNP promotes high quality development that enhances the town and consolidates vacant or under-utilised land (Objective 15). Policy D2 of the STNP identifies the potential of Sevenoaks Quarry for residential development and does not set out or restrict the number of homes to be provided on this site.
- 225 It is noted the Northern Sevenoaks Masterplan commissioned by Sevenoaks Town Council in 2016, included proposals for the redevelopment of the Quarry, including 600 homes, once sand extraction operations are complete. This earlier document was not adopted by this Council and is not referred within the wording of policy D2 of STNP. Therefore is no requirement for the development to be restricted to just 600 homes as previous envisaged by Northern Sevenoaks Masterplan.
- 226 The STNP recognises the Green Belt constraints on the site, and the need for this to be considered either through the Local Plan process or in response to a planning application. Policy D2 sets out the priorities for development on the site should it be brought forward for development. It should deliver, its states:
- Safeguarding of land for community infrastructure, potentially including a primary school and medical facilities.

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- Green Infrastructure, including the provision of a new lake and centre for sport, recreation and leisure, a network of walking and cycling routes and play space.
- Transport infrastructure.
- Reuse of historic buildings.
- A mix of new homes that supports local needs and including affordable homes.

227 Policy L5 supports the provision of new public open space, community use and leisure opportunities at the Quarry, when sand extraction has been completed. The provision of new water sports facilities at the Quarry are supported by Policy S1 which, it states, will need to be delivered in advance or in parallel with new homes on the site.

228 Given the advanced stage of the Plan, which has been through consultation, examination and referendum, the STNP - and its presentation of Sevenoaks Quarry as a potential development site - holds significant weight.

### National Planning Policy

229 The latest version of the National Planning Policy Framework (NPPF) was issued in July 2021. It emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives - economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area.

230 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the NPPF.

231 Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay.

232 If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.

233 Of particular relevance in this case are those parts of the Framework which deal with Green Belt and housing provision.

- 234 Section 13 of the Framework is titled ‘Protecting the Green Belt’, with paragraph 140 making it clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 147 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.
- 235 Paragraph 148 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless 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.
- 236 Section 5 of the Framework - ‘Delivering a sufficient supply of homes’ - confirms the Government’s objective of “significantly boosting the supply of homes” by ensuring that a sufficient amount and variety of land can come forward where it is needed (paragraph 60). In identifying ways to boost supply, paragraph 73 advises that the supply of large numbers of new homes can often be best achieved through planning for larger-scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well-located and designed, and supported by the necessary infrastructure and facilities.
- 237 Paragraph 74 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.
- 238 The issue of housing supply and delivery in the District is critical in determining whether the Sevenoaks development plan is up to date. In this respect:
- There is currently a need for 714 units per year in Sevenoaks District, calculated using the Government’s standard methodology (March 2021). With the required 20% buffer, this equates to a required 4,284 dwellings over the next five years;
  - SDC’s assessment of deliverable sites indicates that we have a supply equating to 2.9 years of the five year requirement.
  - Comparing this to delivery, the latest Housing Delivery Test results (2021) show that 62% of the overall housing need has been delivered over the previous three years;
  - Given the Housing Delivery Test result falls under 75%, and we cannot demonstrate a 5 year supply; both of these things independently mean that there is a presumption in favour of development subject to paragraph 11(d) of the NPPF (the ‘tilted balance’).

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- 239 Reviewing the local policies that are relevant to this application, the status of these policies is can be summarised as follows:

<b>Core Strategy Policy</b>	
LO1 - Distribution of Development	Partially in date, generally in accordance with the NPPF as supports sustainable development, but does not fully meet need / doesn't make efficient use of land. Carries weight as predicated on the principles underpinning the NPPF in seeking to direct new development to sites in line with the hierarchy of existing settlements in the District.
LO2 - Development in Sevenoaks Urban Area	Partially in date, generally in accordance with the NPPF as supports sustainable development and economic growth, but does not fully meet need / doesn't make efficient use of land.
LO8 - The Countryside and Rural Economy	Partially in date, generally in accordance with the NPPF as protects Green Belt and conserves and enhances the natural environment.
SP1 - Design of New Development and Conservation	In date.
SP2 - Sustainable Development	Partially in date, generally in accordance with the NPPF as supports climate change mitigation and adaptation, however national changes to the Code for Sustainable Homes and BREEAM post-date the policy.
SP3 - Provision of Affordable Housing	Out of date - superseded by national policy updates; an updated policy position is found in the Affordable Housing SPD (Addendum Update March 2023).
SP5 - Housing Size and Type	In date.
SP7 - Density of Housing Development	Out of date - does not make efficient use of land.

SP8 - Economic Development and Land for Business	Partially in date, generally in accordance with the NPPF as supports economic growth and provides flexibility.
SP9 - Infrastructure Provision	In date.
SP10 - Green Infrastructure, Open Space, Sport and Recreation Provision	In date.
SP11 - Biodiversity	Partially in date, generally in accordance with the NPPF as conserves and enhances the natural environment, but precedes national biodiversity net gain requirements.

<b>ADMP Policy</b>	
SC1 - Presumption in Favour of Sustainable Development	Partially in date, thrust of policy is in accordance with the NPPF however the specific wording is no longer consistent as we are now required to specifically consider and apply policies that protect areas or assets of particular importance.
EN1 - Design Principles	In date.
EN2 - Amenity Protection	In date.
EN4 - Heritage Assets	Partially in date, but doesn't go as far as the NPPF, which requires us to consider the significance of the heritage asset and the impact of the proposed development on that significance.
EN5 - Landscape	In date.
EN6 - Outdoor Lighting	In date, in accordance with the NPPF which seeks to limit the light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
EN7 - Noise Pollution	In date.

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EMP5 - Non Allocated Employment Sites	Partially in date, generally in accordance with the NPPF as supports economic growth and provides flexibility, however we are unable to safeguard some business uses given the changes to PD rights / the new E use class (excludes B2 and B8).
GI1 - Green Infrastructure and New Development	In date, in accordance with the NPPF as conserves and enhances the natural environment and seeks to protect and improve biodiversity.
GB7 - Re-use of a Building within the Green Belt	Partially in date - NPPF allows for the re-use of buildings provided they are of permanent and substantial construction.
GB10 - Green Belt Boundary	In date.
T1 - Mitigating Travel Impact	In date, in accordance with the NPPF as mitigates adverse impacts of development.
T2 - Vehicle Parking	In date, in accordance with the NPPF as promotes sustainable transport.
T3 - Provision of Electrical Vehicle Charging Points	Partially in date- in accordance with the NPPF as supports climate change mitigation and adaptation. However, Building Control regulations now set out the requirement of charging points in new residential and non-residential developments.

239 Accordingly, as there are relevant development plan policies that are out of date, the criteria at para 11(d) of the NPPF needs to be applied. This advises that, where there are no relevant development plan policies, or the most important for determining the application are out of date, planning permission should be granted unless:

- i) Policies in the NPPF that protect areas or assets of particular importance that would be provide a clear reason for refusal, or
- ii) If granting permission would lead to adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole.

240 Item i) has a footnote in the NPPF, which links this test to land with specific designations, including land designated Green Belt, SSSIs, Areas of Outstanding Natural Beauty and irreplaceable habitats (including Ancient Woodland).

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- 241 This report will assess whether the impact on the Green Belt, when assessed against local and national policy, would provide a clear reason(s) for refusal, amongst other matters that need to be taken into account.
- 242 If it is concluded that there is not a clear reason for refusal on these issues, then consideration will be given to para 11(d)(ii) of the NPPF, the ‘tilted balance’. Planning permission should be granted unless granting permission would lead to adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole.

**Principle of development - location and land uses**

- 243 As set out in Section 36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF and the extent to which policies of the development plan are up to date and consistent with the NPPF are relevant considerations.

Location of development

- 244 CS Policy LO1 confirms that development will be focussed within the built confines of existing settlements, with the Sevenoaks urban area identified as the principal focus for development in the District in accordance with CS Policies LO2. The latter policy confirms that provision will be made for housing delivery throughout the town. Outside of the settlements, Policy LO1 and LO8 confirm that the Green Belt will be maintained and the countryside will be conserved.
- 245 While adopting a sustainable approach to development by focussing on urban areas and previously developed land within these, consistent with the NPPF, the above policies are out of date in so far as they have failed to deliver the development needs of the District. They are, however, predicated on directing development to sustainable locations, following the settlement hierarchy in the District.
- 246 In terms of the sustainability of its location, notwithstanding its Green Belt position, it must be recognised that the application site adjoins and is closely linked with the Sevenoaks urban area, the principal town within the District, where the adopted development plan strategy seeks to focus development. Notably, the site is within easy reach of the town and local centres, bus and rail services and a range of community, social and health facilities. While this is considered in more detail in the transport section below, the site’s close connection with Sevenoaks town means it can be considered as a highly sustainable location.
- 247 The location would respond to the NPPF’s support for “significant extensions” to existing towns in securing the delivery of large numbers of homes, where they are well located and designed and supported by the necessary infrastructure and facilities (paragraph 73).
- 248 The acceptability of the location must, nonetheless, be considered in terms of its Green Belt designation, which I consider further below.

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### Existing Minerals Activity

- 249 Section 17 of the NPPF states that it essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs (para.209). Policies should therefore plan for and safeguard the extraction of important mineral resources. Great weight should be given to the benefits of mineral extraction, including to the economy, when determining applications. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working (paragraphs 211-212). Further guidance on minerals planning is provided in the National Planning Practice Guidance.
- 250 KCC is the minerals planning authority. The Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 identifies land to the north of the Sevenoaks urban area as a Minerals Safeguarding Area, recognised for its silica sand / construction sand resource. Sevenoaks (Greatness Farm) Quarry is specifically identified as a soft sand mineral works. Such sites are safeguarded from being unnecessarily sterilised under Policy CSM 5.
- 251 KMWLP Policy DM7 states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding in certain situations. This includes circumstances where the mineral can be extracted satisfactorily prior to the non-minerals development taking place, without adversely affecting the viability or deliverability of the non-minerals development. It may also be granted where material considerations indicate that the need for the development overrides the presumption for minerals safeguarding.
- 252 The site has a long history of sand extraction dating back, it is understood, to the 1920s. Mineral workings have progressed across the site, starting in the south west corner where extraction resulted in the formation of the 'Western Lake'. In the 1970s, extraction moved eastwards beyond the central spine and Oast House, with the Eastern Lake being formed. In 2010, KCC granted planning permission for the extension of mineral operations northwards and current workings continue to focus on the northern and eastern slopes of the Northern Lake, while the Eastern Lake is progressively backfilled.
- 253 There is an estimated 4.03 million tonnes of sand left for extraction at the Quarry. Through the proposed phasing of development, and gradual progression of development around the site, the applicant has presented a strategy to ensure that the mineral resource can be fully worked. Although phasing will be defined at reserved matters stage, the applicant has provided an Illustrative Phase 1 Plan. This would allow a first phase of housing development in the south west parcel of the site, and including the Oast House, to be delivered, as dredging works continue in the Northern Lake, with materials transported to the works and plant compound on the north west boundary.



- 254 The Design and Access Statement also describes the likely progression of further phases of development, broadly moving eastwards from Phase 1 then, once mineral extraction is complete, progressing westwards from the newly established Lakes. Given the location of future mineral workings and associated operational areas, the Lakeside Centre, Lakeside Park and primary school site would necessarily form part of the later phases.
- 255 The environmental and amenity impacts of the quarry workings on the new development have been considered within the Environmental Statement and this indicates that the impacts of extraction activities (such as noise and dust generation) can be appropriately managed as long as mitigation measures are put in place. This would include, for example, establishing appropriate distances between activities and the use of a bunding screen and acoustic fencing. Where a residential development phase comes forward whilst minerals operations continue, therefore, a technical document, including noise and air quality assessment, would be required by condition to be submitted to ensure that appropriate measures are adopted to protect both the amenity of residents and the unfettered operations of the minerals workings.
- 256 KCC as the Minerals and Waste Planning Authority has confirmed that they are satisfied that sand reserves would not be sterilised by the development, subject to the proposed relocation of plant and other operations and the appropriate measures being implemented to minimise the impact of mineral workings on future occupiers.
- 257 It is therefore considered that the sand extraction operations at Sevenoaks Quarry can continue to be safeguarded, subject to appropriate conditions, in line with policies.
- 258 It is noted that CS Policy SP8 protects sites used for business purposes, while Policy EMP5 resists the loss of non-allocated business sites to other uses, unless it can be demonstrated that the site has been unsuccessfully marketed and that there is no reasonable prospect of its continued use. In this respect, it is important to note that the site has a unique history relating to its mineral resources and that it is to be retained for quarrying activity until that resource has been spent. Under the current mineral planning permission, the site would be restored to natural open space and would not, therefore, continue its employment related use. It is considered that the site would, therefore, fall outside of these Policy restrictions.

#### Proposed Land Uses

- 259 The development would deliver a range of land uses across the site, as defined within the description of development and the Development Specification. The applicant has provided the following schedule, giving a summary of the scale and extent of land uses.

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Uses		Maximum amount (dwellings / sq.m. / Ha)	Notes
Residential	Dwellings (C3 use)	800 dwellings	
	Residential Institution use (C2 residential care use)	150 units	
Business, Services, and Commercial	Retail, services, food & drink, indoor leisure and sports, nursery/crèche, offices and research and development (Class E uses)	2,000 m <sup>2</sup>	No single outlet to exceed 500m <sup>2</sup> . Except for the Oast House, uses to be in defined Lakeside Centre only.
Local Community and Learning	Community Hall or meeting places and local shops (up to 280m <sup>2</sup> )	750m <sup>2</sup>	
	Primary school	2 hectares*	Site for up to two-forms of entry.

260 \*NB. The applicant has confirmed that the site to be delivered to KCC would comprise 2.05ha, in response to KCC's requirement for land for a 2-form entry school.

### Housing

261 The adopted Sevenoaks Core Strategy and ADMP planned for the delivery of 3,300 homes over the period 2006 to 2026, with the main site allocations being located around the urban areas of the District and on brownfield land. As noted above, the Sevenoaks Targeted Review of Local Housing Needs 2022, published to inform the Local Plan review, identifies a minimum need for 714 new dwellings each year across the District, and an annual need for 423 affordable dwellings.

262 The NPPF's objective to significantly boost the supply of housing is highlighted above, as has SDC's current housing supply position. The District

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currently has a significant shortfall in housing land supply and has consistently failed to deliver against its housing targets over previous years.

- 263 This application proposes up to 800 houses, 40% (360 homes) of which would be of affordable tenure to be secured by the proposed Section 106 Agreement. The houses would make a significant positive contribution to the District's housing stock. As the Council cannot demonstrate a five year housing land supply at this time, it is considered appropriate and welcome that the site accommodates a significant number of houses to meet the Council's needs.
- 264 As noted, the previous Submission Draft Local Plan proposed that the site for 600 dwellings. This figure is also reflected in the Northern Sevenoaks Masterplan, commissioned by the Town Council in 2016 as part of the evidence base to inform the Neighbourhood Plan, to which it is now appended. The Masterplan estimated that approximately 600 homes could be delivered on the basis of a density of 30-40 dwellings per hectare, subject to further testing of impacts on the road network.
- 265 On the basis of further examination and assessment of site capacity, including an assessment of transport impacts, the development proposes a scheme with an indicative average density of 39 dwellings per hectares (more detail later in the report), whilst also retaining a strategic open space (including open water) of over 53 hectares (of a total site area of 94 hectares). This also excludes the former landfill site/ Greatness Brickworks SSSI adjoining the north-west corner of the application site, which was also identified within the masterplan as contributing to open space and is currently being restored to a 'natural' state.
- 266 The increase in numbers of dwellings over the previous draft plan and the Northern Sevenoaks Masterplan is considered appropriate, making efficient use of land and making a significant contribution to housing supply, in line with the NPPF's priorities.

#### Residential Institutions

- 267 The development would deliver up to 150 specialist care units for older people, the nature and distribution of which would be defined at reserved matters stage. The Design Principles Document, nonetheless, confirms (SWP9) that the specialist older people's accommodation would be located within 400m of the Lakeside Centre or Oast House and within 200m of a bus stop with suitable pedestrian level access routes to local facilities.
- 268 The National Planning Practice Guidance confirms that "the need to provide housing for older people is critical" and that plan-making authorities should set clear policies to address the housing needs of older people. CS Policy SP5 expects new housing development to contribute to a mix of different housing types, with an increased proportion of housing designed to meet the needs of older people.
- 269 The Sevenoaks Targeted Review of Local Housing Needs 2022, also drawing on the Sevenoaks Older Persons Housing Study 2022, identifies a need 1,345

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more specialist homes for older people, including 418 Class C2 residential care units to 2040. In this context, the delivery of 150 specialist homes for older people would make a significant contribution to meeting identified needs for such accommodation in the District.

### Education

- 270 The proposals include land that would be safeguarded for a 2-form entry primary school to meet the needs of the wider community, in excess of the need arising from the development itself. The application proposes the safeguarding of the land, with the school itself to be delivered by KCC as need arises. The mechanism to secure this would be included in the Section 106 agreement.
- 271 The applicant has also committed to providing funds for both primary and secondary school places, and for procuring new secondary school land, related to the needs arising from the development, in the event that Community Infrastructure Levy funding is not available or sufficient. Again, the funding mechanism is subject to discussions with KCC and will be delivered through the Section 106 Agreement.
- 272 This responds to the CS Policy SP9 requirement that new development provides or contributes to delivering the requirement for new or improved social infrastructure and to the draft STNP's requirement that the development safeguard land for the potential provision of a primary school (Policy D2).

### Commercial uses

- 273 The development proposes up to 2,000m<sup>2</sup> of commercial uses, to be focussed within the Lakeside Centre but with the Oast House potentially accommodating a commercial use class with a community focus (e.g. meeting space or a community café). These units would be a maximum 500 m<sup>2</sup> and would support the creation of a sustainable, mixed use community that would have access to some local commercial facilities, as well as those existing within the urban area.

### Community

- 274 Up to 750m<sup>2</sup> of local community uses (Use Class F2) are proposed, which would include the re-use of the barn on Childsbridge Lane for community purposes, secured by condition and the Section 106 agreement in perpetuity. These uses would also include any facilities that would support the use of the Lake for Outdoor Sport and recreation and, subject to its final use, the re-use of the listed Oast House. Such uses are likely to be combined with other community-facing uses, as noted above, such meeting spaces, food and drink or small retail units. The provision of the school may also, in future, provide opportunities for use by community groups.
- 275 Conditions would require that these uses are phased throughout the development, with requirements that they are delivered prior to the occupation of a certain number of dwellings. For the Barn, this would be

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100 dwellings; the Oast House - 150 dwellings. As noted in the consultation responses, Tarmac has been in discussion with a local scout group with a view to securing their occupation; which may also deliver facilities for the wider community.

#### Sports, Recreation, Open spaces and Green Infrastructure

- 276 CS Policy SP10 promotes the development of a green infrastructure network, while Policy GI 1 states that proposal will be permitted where opportunities for additional Green Infrastructure have been fully considered; open spaces should be located where they can provide a safe link for the population and connectivity for biodiversity.
- 277 Policy D2 of the draft STNP states that development at Sevenoaks Quarry should deliver a new lake and centre for sport, recreation and leisure, and a network of walking and cycling routes and play space. New water sports facilities are also supported by Policy S1.
- 278 The Parameter Plan fixes the location of the newly established lakes and Strategic Open Space. The lakes would include one large lake (approximately 15 hectares in size) and a small lake on its western side. A centre for water sports would be provided within the Lakeside Centre, located between the two lakes and at a central location within the new community - adjoined by a public square and linked by the proposed principal cycle and pedestrian route crossing the site. The Lakeside Centre is expected to offer opportunities for water sports activities potentially including paddle boarding, canoeing, wakeboarding, open water swimming, sailing and windsurfing. The delivery and management of this facility, including its availability for community access, would be secured through the Section 106 Agreement and a community use agreement.
- 279 The application submission refers the creation of Greatness Lake Park, which would comprise a substantial network of open space around the newly established lakes, accessible to new residents and the wider community. These would perform a variety of functions, from wildlife habitat creation, to the provision of open recreational space and a network of footpaths, cycle ways and 'activity loops' around the Park, the creation of Lakeside Edge, to the water sports use of the Lake. A circuit of the lakes would be approximately 2km.
- 280 The delivery of the Park is dependent on the completion of the quarrying works and the land being in its final state. A condition of the planning permission would, nonetheless, secure its delivery prior to occupation of the 650<sup>th</sup> dwelling. Again, management and maintenance arrangement would be secured through the Section 106 Agreement.
- 281 Within the development parcels, localised provision of open space, play space and public squares would be brought forward through the reserved matters / conditions process, in accordance with the Design Principles and the Site Wide Design Code. SWP10 of the Design Principles, for example, confirms that all homes would be with 400m of a Locally Equipped Area of Play (LEAP). SWP2 confirms the intention to create a network of green

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spaces, including private gardens and tree lined streets integrated with the built environment to break up the built form (massing) and create new spaces for drainage, wildlife and people.

- 282 The development is therefore expected to deliver a significant resource of open space and recreational opportunities, both for the new population and wider community and would, in this respect, meet a number of policy aspirations.

### **Principle of development - Development in the Green Belt**

- 283 Appropriateness of development in the Green Belt
- 284 The National Planning Policy Framework at paragraph 137 makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, namely their openness and permanence. It goes on to identify, at paragraph 138, the five purposes of Green Belt.
- 285 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.
- 286 Paragraph 149 of the NPPF states that a “local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”. A limited list of exceptions is provided including, for example, :-
- 287 Para.149 (b) - the provision of appropriate facilities for outdoor sport and recreation, as long as they preserve openness and do not conflict with Green Belt purposes; or
- 288 Para.149 (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.

- 289 Paragraph 150 defines certain other forms of development that are also “not inappropriate” provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. This includes, for example, the re-use of buildings provided that the buildings are of permanent and substantial construction; or, material changes of use of land, such as changes of use of land for outdoor sport and recreation.
- 290 In determining whether the development could be considered appropriate under the criteria of paragraph 149(g) - the redevelopment of previously developed land (PDL) - it is first necessary to establish whether the site can be considered as PDL.
- 291 This is defined within 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; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.” [My emphasis]
- 292 The exception to the above PDL definition would apply to the majority of the application site, given its status as an approved minerals working site, with a requirement imposed on the mineral planning permission to deliver the restoration masterplan across the entire site (with a limited number of buildings remaining).
- 293 There are a number of buildings on the site that pre-date and/or are not associated with the current working quarry and its planning permission, including the building now used as site offices, the Oast House, Brickworks Cottages and Greatness Farm Cottages and their associated land and infrastructure. Parts of the south-west corner of the site have been utilised over many decades, dating back to the former Sevenoaks Brickworks. It is evident, therefore that pockets of the site could be considered as PDL.
- 294 The applicant has considered the development against paragraph 149(g) and concludes that the development on land which is considered as PDL would not be considered to have greater impact on the openness of the Green Belt than the existing development.
- 295 It is agreed, however, that the land that can be considered as PDL represents a small component of the wider site, the majority of which comprises open quarrying activity - or land left fallow. The larger portion of the site would fall outside the definition of PDL.
- 296 Therefore, while there some limited parts of the site can be considered as PDL and in these locations there would be some “exchange” of such developed land for new development, the character and status of a the

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majority of the site is such that it would not be considered as PDL. As such, the development would not meet the requirements of paragraph 149(g).

- 297 There are other elements of the development that could, in isolation, be regarded as appropriate development in the Green Belt under NPPF paras 149 and 150. For example, the provision of a lakeside centre and lakes as an outdoor sporting facility could meet the requirements of paragraph 149(b) (the provision of appropriate facilities for outdoor sport and recreation). The re-use the Oast House and Barn and the change of use of areas for outdoor recreational purposes could, in isolation, meet the exception tests of paragraph 150. The establishment of large areas open space would not constitute development and would not therefore fall to be considered under these policies.
- 298 The development would, however, deliver 950 new C2 & C3 homes, alongside other commercial, leisure, community and education uses, in buildings distributed across approximately one-third of the site.
- 299 While recognising that parts of the development could be considered appropriate in the Green Belt, taken as a whole, the development must be considered inappropriate development in the Green Belt and harmful in principle. This is common ground with the applicant and recognised in many consultation responses.
- 300 As such, the proposed development would require the demonstration of very special circumstances that clearly outweigh the harm if planning permission is to be granted.

### Extent of harm - openness and purposes of Green Belt

- 301 Having concluded that the development is inappropriate in the Green Belt and harmful in principle, a consideration of the actual harm to Green Belt is needed. This takes into account both the impact on openness as an essential characteristic of Green Belt and on the five purposes that Green Belt serves.
- 302 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 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 a relevant factor in the consideration of openness.
- 303 For the Quarry site, given that the current minerals planning permission requires the site to be restored to a predominantly open, natural state, it is relevant to compare the impact of the proposed development against both its existing quarrying condition and its future restored state under the restoration masterplan. It is, nonetheless, worth noting that mineral workings have been present on the site for a number of decades, pre-dating the 2010 planning permission. This has influenced the character of the site for a considerable time, with the restoration masterplan representing a re-
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naturalisation process that would undo many decades of industrial activity and mineral working.

- 304 In spatial terms, while the overall level of floor space and volume of development is not fully known at this outline application stage, the description of development, development specification and the parameter plans confirm the maximum number of new homes and broad scale of other uses, the extent of built development and associated infrastructure across the site, and the maximum scale of building units (as defined by the Site Levels and Building Heights Plan).
- 305 There are a number of existing buildings and plant on the site focussed in the south west section of the site, with the east and north of the site remaining opening. The proposed development would retain a substantial part of the east and north of the site as open space, within which there would be no harm to openness. By comparison with the existing footprint of built development, nonetheless, the scale and volume of built development as a result of the proposed development would be substantially greater and, therefore, must be considered harmful to openness from a spatial perspective.
- 306 The quarrying work evidently generates a considerable level of associated activity and paraphernalia, which has resulted in large areas of the site given over to vehicle parking and circulation space, internal roads and yard space, industrial plant and machinery (such as conveyors, hoppers, etc), earthworks/mounding, boundary fencing and extensive open storage. Although transient in nature, this activity and the paraphernalia associated with quarrying has a significant impact on the perception of openness, such that the degree of harm resulting from the development would be reduced to an extent. Nonetheless, the proposed development would also introduce significant levels of activity and paraphernalia associated with its new uses.
- 307 The difference in openness would be more pronounced when compared with the restoration masterplan, within which fewer buildings would remain in an open landscaped setting. In its restored form, the level of activity and paraphernalia on the site would be much diminished, with a reduced number of site occupants and visitors to the landscaped country park. In this context, the level of activity associated with the proposed development would, by comparison, be far greater and substantially harmful to openness.
- 308 Considering the impact of development on openness within the site, therefore, the scale of development proposed is expected to result in a considerable reduction in openness that would be experienced from many points within the site boundaries. This would be far more pronounced when compared to the restoration masterplan condition of the site.
- 309 The impact on openness from beyond the site boundaries would be restricted by landforms and vegetation bands surrounding the site. This is assessed in detail in the Landscape and Visual Impact Assessment submitted with the application, considered further below.

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- 310 While land levels across the site are subject to ongoing change, it is established within the submission that the proposed development would be located within the quarry void, within raised landscaped boundaries wrapping around the north and east of the site. Similarly, raised ground and dense landscaping bordering the site to the south and east would prevent or significantly filter views from surrounding viewpoints.
- 311 The development would be viewed from a small number of public vantage points within the urban area adjoining the site, such as on Farm Road and Greatness Lane, but these views are likely to be glimpses, restricted by existing buildings, landforms and vegetation. Views from Greatness Recreation Ground and the public footpath to the south east are prevented by the rising landforms that separate the views.
- 312 Similarly, short range views from the north are also blocked or filtered by the higher ground on the northern boundary, and the fact that the development would be set in the quarry void.
- 313 From longer distances, particularly from public viewpoints to the north from the higher ground of the North Downs in the vicinity of Otford and Kemsing, there would be some encroachment of new built form, although these would again be from long distances, partially obscured by the landform of the Quarry and screened/filtered by existing and proposed vegetation. The Quarry development would also be viewed against the backdrop of the Sevenoaks Urban Area and set within wide vistas.
- 314 Overall, the proposed development would have a substantial impact on openness, particularly when experienced from within this site. This impact is somewhat reduced when assessed against the current quarrying activities, which in themselves reduce the perception of openness over part of the site; but would still be marked. The impact on openness when viewed from external vantage points is more limited, with views filtered by the quarry landforms and vegetation surrounding the site and screened by existing buildings from within the urban area. New built development would, nonetheless, be visible from a small number of views.
- 315 The five purposes of Green Belt are set out at paragraph 138 of the NPPF and it is relevant to consider whether the development would undermine these purposes. Of note, the site's contribution to Green Belt was considered as part of the Sevenoaks Green Belt Assessment 2017, which was prepared to inform the previous Submission Draft Local Plan. This evidence remains a relevant material consideration as a recent assessment of Green Belt performance in the District.
- 316 This site was considered within the Green Belt Assessment as part of wider Parcel 61. While the wider Parcel 61 was considered to be strongly performing Green Belt, for its role in checking the unrestricted sprawl of built up areas and preventing Sevenoaks and Seal from merging, a sub-area referred to as area RA-18 was considered to be more weakly performing. The Assessment concluded:

“An identified area in the south-west of the Parcel (RA-18) may score weakly against the NPPF purposes if considered alone. This area comprises the extent of the Sevenoaks Quarry, as well as Greatness Recreation Ground and Cemetery.

Quarrying and landfill activity has had a substantial impact on this area, which no longer has any connection with the wider countryside in visual or functional terms, while the southern part of the area has an urban character, thus playing a very limited role in preventing encroachment (Purpose 3). Additionally, while the eastern and northern areas of the Parcel continue to form an important strategic gap between Sevenoaks and both Seal and Otford, the sub-area is effectively severed from these gaps and plays a limited role in preventing the merging of settlements (Purpose 2). Furthermore, given its semi-urban character and the level of existing development that has occurred here, as well as its stronger relationship with the surrounding settlement, its role in preventing further sprawl is also reduced (Purpose 1).”

- 317 Considering the impact of the development on each purpose in turn:-
- a) To check the unrestricted sprawl of large built up areas
- 318 The site is at the edge of the built area. In its current form, much of the southern and western part of the site is worked land, containing built forms, plant and machinery, open storage, roadways and intensive earth works, generating significant activity. As can be seen in aerial imagery, a large part of the site has a semi-urban character, with a greater connection to the Sevenoaks urban area to the south, distinct from the surrounding countryside. Given its condition and character, the quarried site would currently perform relatively weakly against this Green Belt purpose.
- 319 In its restored state, a greater sense of openness would be created across the site. This would improve the site’s performance in checking unrestricted sprawl.
- 320 The proposed development represents an extension to the built up area of Sevenoaks. Nonetheless, development would be focussed in the areas that are currently home to intensive quarrying activity. As with the existing quarry works, the new development would be closely linked with the urban boundary to the south and, although the quantum of built form would be greater, there would be limited change to the extent of urban sprawl.
- 321 It is also worth noting that the site is well contained by the rail lines to the north and west, and by Childsbridge Lane to the east, as well as by the urban areas to the south, east and north. These provide strong, defensible boundaries that prevent further sprawl. Further, the layout of the development, as defined by the Parameter Plan, incorporates wide areas of strategic open space, landscaping and waterbodies spread across the northern and eastern parts of the site. These open buffers would contain the built development, preventing further sprawl of the built up area.

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- 322 Based on the current quarrying condition, the development would have limited impact on this purpose. The restoration plan would reintroduce a more open, countryside character to the whole site. The proposed development would clearly represent greater sprawl of the built up area than the site in its restored state; however, as noted, development would be contained by clear defensible boundaries that would prevent unrestricted sprawl.
- 323 Overall, I do not consider that the development would lead to unrestricted sprawl of Sevenoaks.
- b) To prevent neighbouring towns merging into one another
- 324 The Green Belt Assessment found that the wider area performs strongly in providing a strategic gap between the urban areas of Sevenoaks and Seal, most notably in the northern and eastern parts of the site. As above, the proposed development would replicate the arrangements of the existing site in the sense that the southern and western parts of the site would be developed and urbanised, while the northern and eastern portions remain open, performing the role of a strategic gap. Although intensifying the degree of built development, the layout of the proposed development would ensure that a strong gap is maintained between Sevenoaks and Seal.
- 325 However, Seal is not a categorised as a town for the definition of NPPF, which has since been clarified as part of the Broke Hill appeal.
- 326 I am therefore satisfied that the development would not lead to the merging of Sevenoaks and Seal.
- c) To assist in safeguarding the countryside from encroachment
- 327 As noted in the Green Belt Assessment, quarrying activity has had a substantial impact on this area, which it concludes means that it no longer has any connection with the wider countryside in visual or functional terms. It therefore plays a very limited role in preventing encroachment. The proposed development would encroach in an area already heavily scarred and, whilst it would increase built form, would not spread into 'countryside'. Having regard again to the proposed layout of the development and its inclusion of a strong countryside buffer on its northern and eastern sides, the harm to the countryside is considered to be limited.
- 328 The Restoration Plan would, in effect, reclaim urban land for countryside and the proposed development would clearly encroach upon this.
- 329 Overall, there would be some encroachment into the countryside as a result of the development when compared to the quarry's restored state, although within defined and robust boundaries.
- d) To preserve the setting and special character of historic town
- 330 The site and proposed development does not form part of the setting of a historic part of Sevenoaks and there would be no harm this purpose.

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

- 331 Given that Sevenoaks has limited derelict land for regeneration, this purpose is not of relevance. The development would not harm this purpose.
- 332 There is therefore harm in principle and actual harm to the Green Belt resulting from a reduction in openness and a degree of encroachment of the urban area outwards. This would be well contained by existing landforms and features, and by the proposed strategic open space within the site. Significant weight must, nevertheless, be attached to this harm.
- 333 The existence of very special circumstances in relation to the identified harms to Green Belt is considered later in this report.

### **Design, scale and density**

#### Design approach

- 334 The NPPF, at paragraph 126, states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Planning decisions should ensure that developments, amongst other things, add to the overall quality of an area, are visually attractive and are sympathetic to the surrounding built environment and landscape setting. These principles are reflected in CS Policy SP1 and ADMP Policy EN1.
- 335 The design, scale, layout and appearance of the development are all reserved matters for later consideration. A number of key design principles are established within the submission, including within the Design Principles document which sets out a number of site wide and character area principles. Design details would, nonetheless, be brought forward for further approval following the grant of planning permission with the submission of reserved matters applications and other details pursuant to condition.
- 336 Importantly, the proposed conditions include the requirement for a Site Wide Design Code (SWDC), which would need to be submitted for approval before reserved matters details are approved. The NPPF recognises the role of Design Codes in delivering good quality design in developments; these should be based on effective community engagement and reflect local aspirations, taking into account the guidance contained in the National Design Guide and National Model Design Code.
- 337 The proposed Design Code would develop on the masterplan established by the parameter plans submitted with the application, and on the Design Principles, setting the design framework within which development within each phase would be delivered. The condition as drafted requires that the SWDC follows the framework set by the National Model Design Code. It also provides for further engagement on the SWDC, responding to the objective of Policy D1 of the STNP.

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- 338 As part of the design development process, the application has been subject to review by Design Panel (Design South East). The need for such a process has been raised by Sevenoaks Town Council. A number of recommendations were made during this process that have been addressed through revisions to the application (e.g. through the realignment of the primary access route through the site, establishing the principal cycle/pedestrian route and the identification of the local centre and key public spaces) or through clarifications within the design submission (e.g. greater detail on heights, densities and street hierarchy).
- 339 Other details would be secured both through the SWDC and reserved matters submissions, and through the requirements of conditions and the Section 106 Agreement (e.g. securing an appropriate delivery timetable, further details of the sustainability strategy, lighting strategy etc.)
- 340 In this way, it is considered that the development would meet the requirements of the NPPF and within CS Policy SP1 and ADMP Policy EN1 to secure high quality, contextual design that responds well to the character of the area within which it lies.

### Scale and Density

- 341 The NPPF promotes making effective use of land. Paragraph 121 states that local planning authorities should take a pro-active role in identifying and helping to bring forward land that may be suitable for meeting development needs. Planning policies and decisions should encourage multiple benefits from urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains (e.g. through habitat creation and public access). The development of underutilised land and buildings is supported.
- 342 The NPPF states at paragraph 124 that planning decisions should support decisions that make efficient use of the land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services - both existing and proposed, as well as their potential for future improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change, and; e) the importance of securing well-designed, attractive and healthy places.
- 343 Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that policies and decisions avoid homes being built at low densities (para.125).
- 344 Policy SP7 of the Core Strategy refers to housing densities in the District and makes clear that all new housing will be developed at a density that is consistent with good design and does not compromise the distinctive character of the area. Developments that fail to make efficient use of land for housing may be refused permission.

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- 345 Subject to these considerations, the policy seeks a density of 40 dwellings per hectare (dph) in urban areas. The density standards of Policy SP7 cannot, however, be considered up to date as they are inconsistent with the NPPF's requirement to make efficient use of land, also having regard to the significant and unmet need in the District to deliver new homes.
- 346 The development proposes 800 dwellings and 150 specialist care homes for older people. Maximum heights are also provided within the Site Levels & Building Heights Plan (which will be fixed within the planning permission by condition). This shows built form across the site ranging from 2 to 3 storeys, with a concentration of 4/5-storey buildings at the western edge of the proposed lakes.
- 347 The Parameter Plan, to be secured by condition, also fixes the areas of the site that would contain built development, and those that would be secured as open space or water. The Design and Access Statement confirms that of the 94.03ha site area, 47.27 ha would be designated as strategic open space and structural planting and 16.09 ha as open water bodies. Only 30.67ha, or 33%, of the site would be available for built development.
- 348 As an outline proposal, further details of proposed scale and density would be defined at reserved matters stage, albeit within the above parameters. The Site Wide Design Code would further clarify the densities that would be delivered within each phase. Within the Design and Access Statement, however, the applicant has provided indicative density ranges (page 67) that show how the proposed number of homes could be achieved across the site. Illustrative plans and building typologies that would reflect those densities are also presented (pages 68-69). These show density ranges at the outer areas of the site in the region of 30-35 or 35-40 dph, increasing to 40-60dph in the centre of the site. Within the developable area identified for residential development, the applicant advises that development would achieve an average of 38.78 dph. This is below that 40 dph stated in the policy SP7 of the CS for the adjacent urban area of Sevenoaks, which as highlighted above is no longer consistent with the NPPF, as it does not refer to the need to make the most efficient use of land.
- 349 Taking into account the requirement to make efficient use of land, as well as the location of development on the urban fringe, the proposed density is considered entirely acceptable and fully compliant with the aims of the NPPF and Policy SP7 of the CS.

## **Housing Mix and Affordable Housing**

### **Housing Mix**

- 350 Policy SP5 of the Core Strategy requires that new development contributes a mix of housing types, taking into account evidence the existing pattern of housing in the area, evidence of local need and site specific factors. This is reflected in the Neighbourhood Plan, where Policy D3 expects that larger developments provide a range of homes and that new housing contributes to meeting identified local needs.

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- 351 The most up to date evidence of need for housing mix is described within the Targeted Review of Local Housing Needs, January 2022. This identifies the greatest need in the market housing sector within the Sevenoaks Urban Area as being for three- and four+-bedroom homes, followed by one and two bedroom houses. For social and affordable dwellings, the highest needs are for one- and two bedroom dwellings and one-bedroom flats, followed by three bedroom houses then one bedroom bungalows.
- 352 At this time, the exact mix of housing sizes has not been established and would be addressed through subsequent Reserved Matters Applications.
- 353 The Design and Access Statement acknowledges the District's housing needs and that the development has the ability to contribute a mix of dwellings to reflect the District's need. This is reinforced in the Design Principles Document (see SWP9) and its comment to delivering a range of tenures, dwelling sizes and typologies to reflect local housing needs. As an indicative guide, the Statement confirms that the market housing element is expected to comprise predominantly 2, 3 and 4 bedroom homes with the potential for some smaller flats. It states that affordable homes would also be a mix of sizes, with an emphasis on smaller properties in line with identified need.

### Affordable Housing

- 354 The Core Strategy, updated by the Affordable Housing SPD, states that in the case of developments of more than 15 units, 40% of the total number of units should be affordable. It states that 65% of the affordable housing should be social rented.
- 355 The Council's Targeted Review of Housing Need identifies an annual requirement for 423 affordable dwellings, with a tenure split of 58% social rent, 7% affordable rent, 10% affordable home ownership and 25% first homes, also reflecting the Government's commitment to First Homes delivery and the Sevenoaks Affordable Housing SPD requirement).
- 356 Through the Section 106 agreement, the applicant has committed to delivering the policy requirement for 40% affordable housing on the site, with a mix to be in line with the Affordable Housing SPD. This mix and the delivery would be set out within an affordable housing scheme, to be agreed as a mechanism of the Section 106 Agreement. This would include an expectation that a certain level of affordable housing would be delivered within each phase.
- 357 In this regard, it is considered that the development would achieve an appropriate mix of dwellings, including making a significant contribution to affordable housing in the District, in accordance with policy.

### Accessible homes

- 358 All homes are proposed to be designed to the Building Regulation Standard M4 (2) for accessible and adaptable dwellings, in line with the expectation within CS Policy SP5. The Design and Access Statement confirms that a



proportion would be wheelchair accessible, and this has been required by condition to achieve a minimum 5%.

**Impact upon the character and appearance of the area and the Area of Outstanding Natural Beauty (AONB)**

- 359 Under the section, ‘Conserving and Enhancing the Natural Environment’, Paragraph 174 of the NPPF states that the planning system, “should contribute to and enhance the natural and local environment by [inter alia] ... protecting and enhancing valued landscapes” and by “recognising the intrinsic character and beauty of the countryside”. Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 360 As noted above, the Framework encourages high quality, beautiful and sustainable places. Developments should be sympathetic to local character, including the built environment and landscape setting (para.130).
- 361 ADMP Policy EN1 and Core Strategy Policy SP1 require that development is well designed and contextual, respecting the topography and character of the site and surrounding area and sensitively incorporating natural features. CS Policy LO8 also states that the countryside will be conserved and distinctive features that contribute to its special character and its biodiversity will be protected. The distinctive character of the AONB and their settings will be conserved and enhanced.
- 362 ADMP Policy EN5 seeks to conserve the character of the countryside. It further protects the setting of AONB, noting that the AONBs and their settings will be given the highest status of protection in relation to landscape and scenic beauty.
- 363 The site does not lie within a protected landscape. The North Downs AONB wraps loosely around the Sevenoaks urban area and outlying settlements, washing over much of Seal to the east and covering parts of Kemsing and Otford to the north. At its closest, the AONB lies less than 200 metres to the south east of the site boundary and broadly 330 metres to the east, although there is no visual connection between the site and AONB in these directions. To the north, the AONB lies in the region of 1.3km away from the site boundary and around 2kms to the west. From the southern lakeside edge, where the majority of built form would be located, the boundary of the AONB lies 1.8km to the north.
- 364 The site itself lies within the Upper Darent Valley East Character Area as defined by the Sevenoaks Landscape Character Assessment 2017. This is described as a gently undulating valley, enclosed by the North Downs and crossed by the River Darent and its tributaries, with scattered trees and woodland. The role of mineral extraction in the area is highlighted, as is the presence of major transport routes that fragment the area. The Assessment notes that the western part of the area is more settled due to its proximity to Sevenoaks, with 20<sup>th</sup> Century sprawl extending between Sevenoaks and

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Oxford. Despite its proximity, the Assessment states that Sevenoaks is not dominant in views from the valley.

- 365 The site relates closely to the existing settlement of Sevenoaks, joined to the areas of Greatness / Bat and Ball to the south, Seal to the east/ south east and the retail/trading estate to the west. The residential areas around the site are varied in character, as recognised by the Sevenoaks Residential Character Areas Assessment, but being largely of post-war construction and predominately two storey terraced, semi-detached and detached dwellings.
- 366 Landforms and vegetation around the site, as well as infrastructure on its boundaries, currently screen and form a visual barrier between the Quarry and its surroundings. The southern boundary comprises a densely wooded high-ridge, with no visual connection, for example, with Greatness Recreation Ground or Seal into the site. Dense woodland on the eastern boundary and the rail line on the western side further prevent immediate views into the site. The high ground in the northern part of the site also limits short distance views from this direction.
- 367 Greater inter-visibility between the site and urban area exists on the south-west side of the site, at the Farm Road access - although again this is screened by the existing tree line. Greatness Lane slopes down in a northerly direction towards the site, offering views across the site towards the North Downs.
- 368 The site is currently characterised by the extensive quarrying activities, with the land intensively used and scarred by the major earthworks - contributing little to the landscape character area. As quarry works progress, the planning permission for mineral works require the progressive restoration of the Quarry to open, landscaped space comprising areas of grassland, wetland and woodland surrounding the lake in its final position.
- 369 The proposed development would retain natural open spaces along the northern and eastern parts of the site, along with the large open water bodies towards its centre. Built development would be focussed in the southern and western part of the site, where quarrying activity is currently focused.
- 370 Compared to the current use of the site, which is more akin to an urban use closely linked to the urban area, the impact of the development on landscape character can be considered limited. There would, nonetheless, be a clear change in landscape character when comparing the proposed development with the future restored landscaped site, which might be seen as conflicting with policies for the protection of open countryside.
- 371 In this respect, it is important to consider the influence of the developed site on the wider countryside and landscape character.
- 372 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The Assessment considers the impacts of development both against the existing condition of the site for sand extraction and the 'future baseline' scenario under which restoration masterplan would be

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delivered. The assessment is informed by an analysis of the landscape character of the area and a consideration of 16 selected viewpoints, within a Zone of Theoretical Visibility (ZTV), which are considered appropriately representative of the site's visibility within the landscape. Simple, wire-framed, 'block' visualisations based on a basic massing model of the proposals, using the fixed parameters for site levels and building height, have also been created. In this regard, the visualisations represent a worst case scenario.

- 373 Of note, the initial phases of development would lie within an area occupied by buildings and land that are the focus of quarrying activity. Later stages of the development would fall within the existing quarry void. While introducing built form, the LVIA notes that this would be interspersed with both green and blue spaces, which would help to offset any loss in landscape value and soften the development's appearance, reducing the level of perceived landscape effects on the wider context.
- 374 All peripheral trees and hedgerows are to be retained as part of the proposed schemes, such that the visual enclosure of the site seen at present would be retained. The areas of the site where built development is proposed would be contained by a robust landscape structure, comprising both raised ground and vegetated belts.
- 375 The proposed changes to the landform are expected to be relatively minor, with built development located on gently sloping platforms that step down towards the main lake. The LVIA notes that proposed levels and building heights have been derived to create a terracing effect, meaning that the proposed built development would be seen as narrow horizontal bands in key views from the north, broken up by open spaces and landscaping, replicating the existing views of Sevenoaks urban area from the north.
- 376 With regards to perception of the wider landscape, including the effects on the landscape character, the LVIA finds that development is unlikely to cause any significant effects. Compared to the restoration masterplan, minor to moderate impacts to the character of the site and its role as part of the Upper Darent Valley East Character Area are predicted within the assessment, albeit recognised that the scale of change would be limited compared to the size of the character area. Compared to the longstanding mineral extraction operations at the site, and considering that it is a landscape in a state of change, the impact of the proposed development on landscape character would be far more limited.
- 377 From beyond the site boundaries, impacts on landscape character are assessed in the LVIA as ranging from neutral to minor.
- 378 The LVIA finds that there would be no significant negative effects on views from residential areas, the only major change being recorded in the immediate vicinity of the development at the Farm Road/Watercress Drive access. Here, the change is expected to be perceived as an enhancement to the street scene and general visual amenity of residents. Again, the existing wooded boundary, which would be retained, would filter these views.

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- 379 From Seal Parish, the physical and visual separation between the development and residential areas, with landscape screening in between, means that visual effects are unlikely.
- 380 More distant views from residential areas, from within Kemsing and Otford, are also likely to be limited. Where longer distance views have been identified, for example on the southern edge of Kemsing, the LVIA notes that the development would appear as a narrow horizontal band of development. The small scale and extent of the development as a component of the wider view means that no significant visual effects are expected to occur, particularly taking into account the proposed mitigation measures that would include integrated landscaping and open space to break up the massing of any built form. Views from Otford are more restricted, although a glimpsed view from Rowdow Lane to the north is identified.
- 381 The development proposals would give rise to a substantial change for recreational users of the public right of way (PROW) that crosses the site, albeit this can be expected to be an improvement on the current scenario whereby the PROW crosses the working quarry. Here, the poor condition of much of this footpath and the somewhat hostile surroundings of a working quarry should be noted. The experience of walking through a development would differ from that of crossing the land under the future restoration plan scenario, but both scenarios would, in my view, represent a positive change.
- 382 On the footpaths beyond the site boundaries, while the LVIA finds some elevated views of the site from railway bridges, it is evident from the visualisations that the development would largely be well screened. From the majority of the rights of way in close proximity to the site, there would be no views of the development.
- 383 More views are gained as land rises to the north into Otford and Kemsing and the slopes of the North Downs, across which runs the North Downs Way long distance route; these views are gained from within the AONB. While the scarp slopes of the Downs are noted to be well wooded, a small number of distant views of the site have been identified, including a more open view from raised ground to the north west of Kemsing, near Oak Hall Cross. The applicant and the AONB Unit recognise this as providing one of the clearest and most open views of the site, from which new built form would be introduced in the view. From this view, the development would be set against the backdrop of the urban area, and framed by landscaping in both the foreground and background. The distance from this viewpoint to the southern lake edge would be approximately 2.4 km (over 1.5 miles).
- 384 I note that there is a difference between the applicant and the AONB Unit regarding the severity of the change from this particular view, with the applicant concluding that the impact would be moderate/minor adverse effect, the AONB Unit suggesting a moderate/major adverse effect.
- 385 The AONB Unit's conclusion is, however, based on the photomontage images which show the development in crude block form and concern that

landscaping measures are not proposed in sufficient detail. As the development comes forward, the inclusion of further structural landscaping within areas of built development (as confirmed within the Site Specific Principles of the Design Principles Document), along with the integration of open spaces and tree lined streets to create the lattice effect demonstrated in the illustrative masterplan, would break up the bulk of the development. Although there would be some impact from extending the urban area into the Quarry, the development would be viewed at a significant distance, set against the backdrop of Sevenoaks area, and would continue the pattern of built development characteristic in views of Sevenoaks in views from the north, with buildings/rooftops interspersed with groups and lines of trees, which would also mature over time.

- 386 The LVIA also considers impacts on vehicle users, with views found to be limited and fleeting; no significant effects been identified.
- 387 Overall, the LVIA concludes that there would be no significant adverse impacts on the landscape character or views. A number of more minor adverse impacts are identified over the course of the construction process and from the finished development, recognising that there would be a degree of change resulting from further built development on the site. Nonetheless, with all the identified harms, it is noted that further detailed design and landscaping opportunities can be secured through the Site Wide Design Code and reserved matters planning applications which would reduce the level of effect over time. Importantly, the Design Principles document embeds the requirement for; “...Visual mitigation to protect views from key receptors such as nearby residents, users of the surrounding countryside and AONB.”

#### Area of Outstanding Natural Beauty

- 388 With respect to AONB impacts, I have had regard to the statutory requirement in the Countryside and Rights of Way Act 2000 that; ... “in exercising and performing any function in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the Area of Outstanding Natural Beauty.” In considering impacts, the North Downs AONB Management Plan is an important material consideration.
- 389 This Plan notes the special components, characteristics and qualities of the AONB, including its:
- Dramatic landform and views; a distinctive landscape character;
  - Biodiversity rich habitats;
  - Farmed landscapes;
  - Woodland and trees;
  - A rich legacy of historic and cultural heritage;
  - The heritage coasts;
  - Geology and natural resources;
  - Tranquillity and remoteness

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- 390 It gives further guidance on the how applications within the setting of an AONB area to be considered, as follows:
- 340 “Proposals which would affect the setting of an AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to setting issues will depend on the significance. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected by proposals in the setting, then the impact should be given considerable weight in decisions.”
- 341 The Plan recognises that the quality of the setting of the North Downs AONB, particularly the experience of views, is important to the enjoyment of the landscape. For the purpose of the proposed development, it is considered that the impact on the views from the AONB and on the tranquillity of the environment, which includes the experience of dark skies, are considerations of specific relevance.
- 342 The visual impact has been considered above and it has been concluded that, while the development would be visible from some distant views from the scarp slopes of the AONB, these views are long-distance, limited in number and would be seen in the context of a wide panoramic landscape. The development would be set against the backdrop of Sevenoaks urban area and, through the integration of structural landscaping, would be viewed as strips/blocks of built development interspersed by trees, which would also mature over time.
- 343 Landscaping proposals will be developed at a later date, through the submission of the Site Wide Design Code, Strategic Landscape Plans and reserved matters details. Nonetheless, it is considered that there is sufficient detail within the current submission, in the form of the parameter plans and Design Principles that would secure appropriate arrangement of built form and landscape screening and filtering of views. For example, I would draw attention to the Design Principles for the southern Lakeside Area (SSP5), which incorporate substantial landscaping blocks that would break up and soften built development from long distance views.
- 344 Lighting proposals will also be an important consideration in the protection of tranquillity within the AONB and the character of the landscape. Considering the above views, any night-time views of the development from the AONB would be set against the backdrop of the urban area, with the proposed built form marginally extending the area lighting. The use of a sensitive lighting scheme would minimise this impact and can be subject to condition, in accordance with ADMP Policy EN6 (Outdoor lighting).
- 345 Careful design of roof-forms and selection of materials and colour palettes, having regard to the Kent Downs Guidance on the Selection and Use of Colour in Development, will further help integrate the development within the landscape and minimise the impact on views from the AONB. Again,

these would be developed through the Site Wide Design Code and reserved matters submissions.

- 346 Overall, while there would be some influence on the landscape, it is considered that the scheme as a whole would respond to the local context. There would be change to the local character of the area as a result of development on this site, and limited harm may arise as a result of this, in conflict with Policy EN5. This harm is considered to be limited and, overall, it is considered that the development would over-time integrate well with the existing townscape and landscape character. It would be seen against the backdrop of the existing urban area of Sevenoaks and the local landscape has capacity to accommodate the proposed development whilst avoiding any significant adverse residual effects upon its character and value.

### Heritage Impacts

- 347 The site does not lie within the setting of a Conservation Area, the closest being the Seal Conservation Area to the south east. There are no physical or visual links between the site and the Conservation Area.
- 348 There are no statutory designated heritage assets within the site. The Grade II listed Kraftmeier Mausoleum within Greatness Park Cemetery is located approximately 50 metres from the southern boundary of the site, separated from the Quarry by the dense tree line that would remain as part of the development.
- 349 The proposed development is not expected to give rise to any harm to heritage assets in the vicinity of the site.
- 350 Within the site itself is the former Oast House, which sits in an elevated position on the north-south ridge that crosses the site, and has been identified as a heritage asset of local importance ('locally listed'). It is defined within the list as:
- 351 "A double square oast with a pitched roof ancillary barn dating from the late 19th century and built of brick with slate roofing, but without cowls and stripped of original fittings. Used as offices and storage space ancillary to the sand extraction business. The remaining building of the Greatness Farm's rich economic and social history, encompassing a Huguenot silk mill, hop farming, a later brickworks and, currently, sand extraction, as well as ownership by Thomas Crampton, developer of the first railway to Sevenoaks at Bat and Ball opened in 1872."
- 352 The NPPF states that great weight should be given to the conservation of heritage assets. It requires that, in determining applications, local planning authorities take account of the desirability of sustaining and enhancing the significant of the heritage asset and putting them to viable use consistent with their conservation. Account should also be taken of the positive contribution of heritage assets to sustainable communities and to local character and distinctiveness.

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- 353 The application proposes to retain the Oast House for community-related purposes and, as defined on the parameter plan, to be set within a key public square. The Design Principles Document shows the Oast House set at the centre of a character area defined as ‘The Oast House and Ridge’ (SSP2), with key views maintained of the Oast House from the surrounding development, such that it would both socially and visually retain a role at the heart of the new community. The Site Levels and Building Heights Plan shows the building in an elevated position, in an area where buildings would be a maximum of two storeys, thus retaining its position of prominence.
- 354 While further details of its refurbishment would be secured through later submissions, including through the Site Wide Design Code, it is considered that the parameters established at outline stage allow for the appropriate conservation of the Oast House, in accordance with ADMP Policy EN4 and the NPPF. It would also meet the aim of Policy D2 of the draft STNP to secure the refurbishment and re-use of the Oast House, and its integration into the development and re-use for community purposes.

### Archaeology

- 355 Much of the northern part of the site, and two areas on the southern boundary, lie within an Area of Archaeological Potential. A desk-based archaeological assessment and geo-archaeological statement have been submitted with the application. The assessment notes that the site has previously been subject to extensive archaeological investigation, including in advance of extraction, which uncovered modest finds across a variety of historic periods; these have since been removed from site and preserved by record. Other finds have been recorded elsewhere on the site, but much has been removed through the quarrying process.
- 356 The submissions have been reviewed by KCC’s Senior Archaeological Officer. While generally satisfied with the assessments and findings, she has noted the potential for features of geo-archaeological interest to exist on the outer boundaries of the site and the potential interest of the site for post-medieval and modern industrial heritage. Conditions are therefore recommended that would require archaeological investigations in these areas prior to works commencing. Based on KCC Archaeological Officer’s recommendation, it is considered that any archaeological interest remaining on the site can be appropriately preserved, in line with ADPM Policy EN4 and the NPPF.

### Transport and Access

- 357 The NPPF states within paragraph 111 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.”
- 358 Paragraph 110 sets out criteria for assessing sites, including specific allocations for development. Para 110(d) states that decisions should ensure that:



“Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree.”

- 359 ADMP Policy EN1 requires that proposals ensure satisfactory means of access for vehicles and pedestrians, and provide adequate parking and refuse facilities. Policy T1 states that new development will be required to mitigate any adverse travel impacts, which may mean ensuring adequate provision is made for integrated and improved transport infrastructure or other appropriate mitigations measures, through direct improvements and/or developer contributions.
- 360 Objectives and policies of the STNP promote a co-ordinated approach to transport and movement that encourages use of sustainable transport modes, including walking and cycling, and reducing pollution levels, whilst ensuring that the Centre is still accessible by car.
- 361 The application is accompanied by various documents assessing the transport access and impact of the development, including a Transport Assessment (TA) and Transport chapter to the Environmental Statement. A Framework Travel Plan also accompanies the application.
- 362 Throughout the pre-application and application process, discussions have been ongoing between the applicant and KCC Highways Authority to ensure a robust assessment process. This has included the submission of various addenda and additional transport notes, which form part of the application documentation.

#### Location/Accessibility

- 363 The application adjoins the Sevenoaks urban area, the principal town within the District, and has close links to an extensive range of services and facilities, many of which are accessible on foot.
- 364 Bat and Ball Station is approximately 600 metres to the south of the site, with connecting services to Sevenoaks Station and trains every half an hour into London and onwards. Sevenoaks mainline station is well-served by regular trains to London and the Kent coast. Bus services serving the Sevenoaks area and surroundings can be accessed from bus stops on Weavers Lane and Greatness Lane, as well as from Bat and Ball.
- 365 To the west of the site, across the rail line, are the shops and commercial activities of the Vestry Road industrial estate and Riverside Retail Park, which includes large convenience stores. St Johns neighbourhood centre and Sevenoaks Hospital are located approximately 800 metres south of the site, while the main Town Centre of Sevenoaks lies within 2.5kms of the site.
- 366 While services are considered elsewhere in the report, there are multiple schools within the Sevenoaks Area, including a concentration of secondary

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schools along the A25 corridor within easy reach of the site. The Sevenoaks Urban area offers a range of health, leisure and community services.

- 367 Overall, the site is considered to be in highly sustainable location in terms of transport and accessibility.

### Proposed site access

- 368 The principal access to the development would be from Bat and Ball Road to the western part of the site, replicating the current access to the Quarry. Farm Road would provide a secondary access, its use minimised by site design measures to discourage occupants to use this (see further below).
- 369 There would be a further 'tertiary' access from Childsbridge Lane, in the vicinity of the existing Barn. Numerous responses have raised concerns regarding the use of this access by motor vehicles. This access would, however, provide through access to emergency vehicles only and would otherwise solely allow access to the car park adjoining this entrance. As noted below, there would be a through route for pedestrians and cyclists, but no vehicular access.
- 370 All the accesses have been tested to ensure appropriate dimensions and visibility can be achieved, including through vehicle tracking, and these have been agreed in principle with the local highway authority.

### Junction capacity and highways impact

- 371 In highways terms, an assessment has been undertaken of the expected impact of development on the highway network.
- 372 Existing traffic flows and speeds on the existing network have been assessed and, in particular, on: the local roads of Greatness Lane and Mill Lane, which would connect to the Farm Road access; the A25 Bradbourne Vale Road / Seal Road, a main arterial route running east-west to the south of the application site; and the A225 Otford Road running north-south between Otford and Sevenoaks to the west of the site.
- 373 The applicant has utilised the standardised national Trip Rate Information Computer System - TRICS - to assess the expected traffic generated by the proposal and its impact on the surrounding network. Other specialist databases have been used to refine the trip rate data, for example, by trip purpose and mode of travel. Discounts have been made for internal trips within the site; e.g. to the proposed primary school.
- 374 The Transport Assessment predicts that the total external traffic generated from the full development would be in the order of 451 two-way movements in the morning peak hour of 08:00 - 09:00 (185 in; 266 out) and 474 in the evening peak hour (289 in; 185 out).

- 375 The traffic has been distributed across the surrounding network based on Census data regarding travel patterns for the Sevenoaks area, and refined locally through discussions with the highway authority.
- 376 Traffic impacts arising from the development has been assessed for two scenarios - i.e. for the year 2027, when a theoretical phase 1 development of 150 dwellings would be in place; and 2037, when the full development might be expected to be in place. A 'growth model' (TEMPRO) has also been applied to traffic generation rates. This modelling has been agreed as appropriately reflecting the traffic generated by other Local Plan allocated sites, the expansion of the schools at Wilderness and the traffic generated by the Borough Green Garden City in the Tonbridge and Malling District.
- Mill Lane / Greatness Lane
- 377 The applicant has assessed the impact of traffic on the local road network, linking the Farm Road secondary access with the A25, looking at traffic generation arising from the development on Greatness Lane and Mill Lane.
- 378 On Greatness Lane, the assessment indicates that the development is likely to generate 13 and 12 additional two-way movements in the morning and evening peak respectively for Phase 1; this would rise to 45 and 53 two-way movements in the morning and evening peak respectively for the full development.
- 379 On Mill Lane, the comparable figures are 25 and 25 additional two way movements generated by the development for the morning and evening peak in respect of the 'Phase 1' development; rising to 123 and 109 for the full development. In order to accommodate these flows, works are proposed to these roads to ensure that there are appropriate passing places, to include the limited removal of existing parking spaces (total of three spaces) and the creation of additional road markings. The Highways Authority has accepted this as an appropriate measure, that would prevent severe impacts on the network and ensure safe access; thereby meeting the policy tests. These works will be subject to condition.
- 380 Notwithstanding the ability of traffic to flow through these local roads, the impacts of such traffic increases on the amenity of these local roads require further consideration. As can be seen from the Environmental Statement Transport Chapter, for example, it is predicted that the increase of traffic on these roads would give rise to a minor adverse effect in terms of severance, while there is also expected to be a moderate adverse impact in terms of noise generation on Mill Lane. While these impacts are considered to be within acceptable limits, the environment of these roads would inevitably experience notable change in their character and amenity.
- 381 Such impacts necessitate that every opportunity is taken to adopt more sustainable modes of travel are encouraged, which will be delivered through

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the travel plan measures and improvements to the pedestrian and cycle network (see below). The introduction of design measures, as reserved matters stage, to discourage the use of the secondary access are also proposed and would be secured by condition.

- Wider network including Bat and Ball Junction

- 382 The Transport Assessment takes into account the impacts on surrounding road junctions, including the Bat and Ball Junction to the south west of the development, which would provide the primary connecting junction for the development, with the main access proposed off Bat and Ball Road. The junction impact assessment of the development extends west as far as Riverhead on the A25, to the junction of Worships Hill and Amherst Hill; and to the east, the junction of the A25 Seal Road with Seal Hollow Road and Filmer Lane.
- 383 Beyond these, traffic is likely to dissipate and the impacts reduce.
- 384 With regards to the Bat and Ball Junction, the TA recognises that the Junction suffers from existing peak hour congestion, which in turn causes an Air Quality issue as confirmed by the designation of the AQMA. The traffic impact assessment establishes that, while the impact of the development on traffic movement at this junction is likely to be minimal for the Phase 1 development (i.e. 150 additional units), with the full development in place, the junction would be operating above capacity with significant delays resulting, exacerbated by background growth and that resulting from other developments. KCC Highways has confirmed that, without mitigation measures, the development would have a severe impact on this junction.
- 385 The applicant is therefore proposing the reconfiguration of the Bat and Ball Junction from signalised crossing to a roundabout, to accommodate a significant reduction in queuing.
- 386 The TA notes that the performance of the existing junction is limited by the available space within the junction to hold turning vehicles, by the limited space on the approach to form traffic into platoons, and the ability of the approach alignments to sustain long platoons of traffic created by the long traffic signal cycle time. The proposed roundabout would have two lane entries on the Bradbourne Vale Road, Otford Road and Seal Road approaches. The flaring on the approaches, it notes, can be significantly reduced as roundabouts are more dynamic in terms of queuing and do not platoon traffic.
- 387 Analysis of the performance of the roundabout compared to the existing junction demonstrates that it would have significant benefits in terms of reducing queuing on all arms of the junction. For example, whereas the St Johns Road approach is predicted to be subject to queues of 29.2 vehicles in the morning peak for the 2037 base scenario with the current arrangement,

the roundabout would see 1.5 queuing vehicles for the 2037 scenario including the development. In the evening peak, whereas the Seal Road access would be expected to have queues of 29.8 cars to the signalled junction, this would be reduced to 0.8 cars for the roundabout.

388 In terms of the wider junction assessment, the majority of other junctions are expected to operate within capacity when the traffic generated by the full development is incorporated within the modelling. The exception is the A25 Maidstone Road / A224 London Road. Here, there the assessment predicts delays on the A25 south arm in the 2037 scenario both with and without the development. The overall impact is not considered to be severe, in line with the requirement of the NPPF.

- Strategic Network

389 The Transport Assessment examines the impact on the strategic network and, specifically, the connection from the A25 to the A21 which provides onward connection to the motorway network. The impact on these junction are not considered material.

390 Highways England have confirmed that it has no objection to the proposal in terms of its impact on the M26, M25 and A21, and the relevant connecting junctions.

#### Pedestrian and cycle links, including Public Rights of Way

391 Sevenoaks Movement Strategy (April 2022) identifies the improvement of the cycling and walking network in the District as a priority, with aims to increase the number and improve the safety of routes and making walking and cycling easier through improved connections and infrastructure. This objective is reflected in aims of the draft STNP at Policies M1 and M2.

392 The Design Principles Document includes, as Site Wide Principle 3 (SWP3), its intention to creation compact walkable neighbourhoods with safe and attractive routes to amenities. To achieve this, it is proposed that all homes would be within 10 minutes (800 metres) walk from the primary school, Lakeside Centre or Oast House and within 400metres of a bus stop, linked by a network of pedestrian routes.

393 In additional to on-site facilities and services, it has been noted that the site is well connected to the urban area and its facilities and services. It is also crossed and circumvented by various public rights of way (PROW). This includes PROW (public footpath SU3) which runs north-south through the site, connecting at its southern end to Watercress Drive and the retail park to the east of the railway line and, at its northern end, a route north over open fields towards Otford. The route would be maintained and integrated into the development, with upgrades provided to create a more user-friendly environment. Public footpath (PROW SU4/SR165) runs diagonally along the south eastern boundary of the site, connecting Childsbridge Lane with Seal Road and the Wildernesse secondary schools site. The residential

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streets to the south of the site are lined with footways, providing pedestrian access towards the town centre.

- 394 The proposed development would be crossed and circulated by a network of new pedestrian and cycle routes, both recreational routes through the country park and more direct routes serving the development, as identified on the Parameter Plan.
- 395 Of significance, the development would deliver an east-west 'Principal Cycle / Pedestrian Connection' from Bat and Ball Road to Childsbridge Lane. This would deliver a section of a priority cycle route identified within the Sevenoaks Local Cycling and Walking Infrastructure Plan (LCWIP), published in January 2023, as supported by Policy M2 of the STNP. Proposed Route 6 would cross the Quarry site connecting with Riverside retail / industrial park to the west with Seal and Sevenoaks Town Centre. This route is given the third highest priority within the LCWIP based on its ability to achieve modal shift.
- 396 New pedestrian routes would provide connections to the existing Public Rights of Way and to Greatness Recreation Ground to the south. The KCC PROW Officer has confirmed that the provision within the site and the exit points will provide good connectivity from the site into the surrounding areas.
- 397 In addition to dedicated pedestrian and cycle routes, the Design and Access Statement sets out proposals for establishing a well design, safe and people friendly streets throughout the development (see Site Wide Principle 4), which includes indicative cross sections of primary and secondary streets and the southern Lakeside Edge. Depending on the street typology, segregated provision would be made for cyclists and pedestrians, with landscape buffers providing an attractive and comfortable environment for people.
- 398 Further proposals for improving cyclist and pedestrian connectivity would be secured as part of the development. This includes a new 3.0 metres wide shared footway/ cycleway on Bat and Ball Road, extending into Chatham Hill Road, between the Primary Access Road to the new roundabout junction, which would also have crossing facilities for pedestrians and cyclists. A new segregated cycle/pedestrian crossing would be provided along Childsbridge Lane and over the rail bridge into Kemsing, with pedestrians and cycles given priority over vehicles.
- 399 In terms of the impacts on the surrounding public footpath network, the KCC PROW officer has indicated that the development will offer more attractive walking routes in places, thereby reducing pressure on existing routes such as public footpath SU4/SR165. The officer noted that the footpath connection to the Wildernesse schools has been subject to more recent upgrades.
- 400 The KCC PROW officer identified the poor condition of the public footpath SU3 to the north of the site, which suffers from poor drainage and an elderly wooden boardwalk. The applicant has agreed to fund the replacement of
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this section of the boardwalk to mitigate the impact of the development and secure upgrades that would benefit the wider community.

- 401 I note that Network Rail has sought funding from the applicant to replace the at-grade crossing over the rail line approximately 300 metres to the north east of the site, which provides a crossing route for public footpath SR75 over the fields and north east to Kemsing. While it is agreed that it would be desirable to replace such crossings, the footfall of walkers generated by the development on this footpath is expected to be limited, as noted by the PROW Officer. Further, the applicant is improving the pedestrian and cycle route into Kemsing over the Childsbridge Lane rail bridge, providing an alternative connection. It is not therefore considered appropriate under the statutory tests for planning obligations to request this funding.
- 402 Bat and Ball Road, adjacent to the access to the application site, is currently linked across the rail line to the retail park to the west by a stepped rail bridge. While all parties agree that the delivery of a ramped access over the bridge crossing between Bat and Ball Road and the retail park should be pursued, it is accepted that land ownerships are complicated and this would require multiple parties to agree an appropriate solution, which is not within the gift of the applicant. Strategic and local planning and transport bodies (including SDC) would therefore need to secure this enhancement. As noted, this route would be part of the priority cycle Route 6 within Sevenoaks Local Cycling and Walking Infrastructure Plan, highlighting its wider benefits to the local community. In this regard, it is considered that CIL or an alternative transport funding mechanism would be the appropriate route for securing this enhancement; as can be seen below, the development is likely to result in a significant CIL contribution.

#### Travel Plan

- 403 Travel Plans for the site would be secured through the Section 106 Agreement. Individual Plans would be sought for the separate residential, commercial and school elements of the scheme, which would follow the overarching proposals set out within the Framework Travel Plan (FTP) submitted with the application.
- 404 The FTP strategy seeks to deliver a range of sustainable transport objectives for the development through walking and cycling incentives and facilities; public transport initiatives; car parking management; and measures to reduce the need to travel. It contains a target to achieve a 15% modal shift away from single occupancy car journeys, thereby further reducing the highways impacts referred to above.
- 405 The FTP confirms a commitment by the developer to appoint a Lead Travel Plan Coordinator, who would oversee the implementation, promotion and management of travel plan initiatives, and for monitoring its progress (which again would be a requirement of the s106 agreement). This would include, for example, the creation of travel databases and the promotion of sustainable travel opportunities.

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406 In addition to creating the infrastructure and environment that would encourage walking and cycling, and other more sustainable transport choices, the FTP confirms the developer's commitment to:

- Providing real-time information at the main bus stopping points (which would be brought into the site)
- The establishment of a car club;
- Provision of electric car charging points;
- Establishing a car share databases.
- Provision of home welcome packs.
- Community travel events and other promotional events.

Delivery of an on-site mobility hub which would contain:

- Package Delivery Lockers.
- Mini Play area.
- Café/Co -working spaces.
- Bus interchange within the site.
- Electric vehicle charging.
- Community car share scheme with EVs.
- Cycle Lockers for community bike share.
- Fixed bike repair facilities.
- Digital information pillar.
- Wi-Fi/phone charging hub.
- Construction Impacts
- It is acknowledged that the construction process would impact on the local road network. Mitigation measures would be secured through the requirement for a Construction Transport Management Plan for each phase of demolition and construction. This would include details including routing and timing of vehicle access to and from the site, employee parking, delivery vehicle unloading and turning, wheel washing and any requirements for traffic management.
- Waste Collection
- Similarly, a waste collection strategy, that would allow for the the segregation and appropriate collection of waste and recycling would be secured through the reserved matters conditions. No comment has been received from the Direct Services team at SDC.
- Conclusion on transport and highway implications
- Whilst impacts on the highway network must be anticipated as a result of the development, the assessed impacts are on highway safety would not be unacceptable and the residual cumulative impacts on the road network would not be severe, in line with the NPPF. Mitigation measures, including the rearrangement of the Bat and Ball Junction would be a significant benefit of the scheme, along with the contribution to sustainable travel through the enhancement of cycling and walking connections and travel plan measures. The proposal would therefore comply with local and national policy.

### Trees and Landscaping



- 407 Landscaping is a reserved matter for the purpose of this outline application and would, therefore, be subject to further submissions. The Parameter Plan does, however, establish the framework for the retention of existing strategic landscaping and proposed strategic planting and open space, which covers a significant proportion of the site.
- 408 Of note, the existing tree belt along the western, southern and eastern boundaries would be retained, which also includes an area of Ancient Woodland. Such areas are defined as ‘irreplaceable habitat’ by the NPPF (para 180) and afforded robust protection. All areas of built development are a substantial distance from the Ancient Woodland. Existing tree groups to the north of the lake would be retained, alongside new areas planting, supporting the screening offered by this part of the site.
- 409 The Design Principle Document includes the Design Aims to “create a high-quality, multi-purpose green infrastructure landscape setting” (SWP2) and “use streets trees to create attractive and resilient streets, with shade and heat reduction in the summer and improved environmental quality and biodiversity, to slow or capture surface water run-off, provide interest and variety and to reinforce the green infrastructure network.” (SWP14).
- 410 In this way, it is considered that the plans and principles established by the outline planning permission would secure the protection of existing trees as appropriate and provide good opportunities for the integration of new landscaping.
- 411 SDC’s Tree Officer has raised no objection, subject to conditions requiring tree protection and further landscape plans.
- 412 I am satisfied that the landscape principles are in line with the NPPF and local policies.

### **Biodiversity**

- 413 The NPPF (paragraph 174) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Paragraph 174(d) states that decisions should minimise impacts on and provide net gains for biodiversity.
- 414 At a local level, Policy SP11 of the Core Strategy seeks to ensure that the biodiversity of the district will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Policy L1 of the draft STNP states that; “... new development should whenever possible deliver a 10% net gain in biodiversity retaining natural features that support wildlife, establishing ecological networks and including new habitats that respond to the local context and the character of the site. New planting and landscapes should respond to the wider landscape through use of native species that support greater biodiversity.”
- 415 The site has been assessed for its ecological potential, through a desk study, habitat surveys and specific species surveys, the outcome of which have been used to assess the impacts of the development on biodiversity. The

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results are found within the Environmental Statement and accompanying appendices.

- 416 During the course of the application, and following consultation with KCC Ecology and responses from Kent Wildlife Trust, further submissions have been made in respect of ecological matters, including a site wide Protected and Priority Species Mitigation Strategy, additional species surveys, and biodiversity net gain assessments. The outline planning permission would be subject to conditions requiring the further submission of a site-wide Landscape and Ecological Management Plan (LEMP), which would secure the ongoing provision, management and maintenance of ecological space on site; this would need to be updated with each reserved matters application for the development phases. The LEMP submission must also include updated species surveys to inform the development and mitigation strategy, a Biodiversity Plan that seeks to secure a 10% gain in biodiversity and a biodiversity management and monitoring plan.
- 418 The application site has no designations for its existing nature conservation interest and there are no European sites or Ramsar sites (wetlands of international importance) within 5 km of the proposed development site. There are a number of Sites of Special Scientific Interest within 5kms of the site; Greatness Brickworks SSSI (the adjoining landfill site) lies on its north west boundary, although this site is of geological rather than ecological interest. The site lies within a Biodiversity Opportunity Area (Greensand Heaths and Commons). As noted, it has an area of Ancient Woodland on its eastern boundary, which is identified by the NPPF as an irreplaceable habitat.
- 419 Four of the habitats on the site are classified as priority habitats, of principal importance for the conservation of biodiversity. This comprises lowland mixed deciduous woodland (approx.16ha), standing open water (15.9ha), open mosaic habitats on previously developed land (5.75ha), and hedgerow (0.71ha). It is relevant to note that the open mosaic habitat is an ephemeral habitat created and destroyed by the ongoing quarrying operations and which would be lost when the quarry is restored.
- 420 Populations of a number of protected and priority species occur on and near the proposed development site. This includes populations of Great Crested Newts, reptiles, toads, invertebrates, birds, bats, badgers and dormouse.
- 421 The development would establish large areas of strategic open space, which would include the retention of existing and provision of new habitats. The Parameter Plan contains substantial areas of retained and new woodland, wetland habitats, heathland and scrub, and grassland. The application submission states that the proposed onsite habitat changes are likely to support an increase in the area of habitats that contribute to improved biodiversity performance including through increases in heathland and shrub habitats, lakes and areas of wetland. In notes that further enhancement of biodiversity value can be achieved through changes to the types of grassland habitat following the “like for better” approach.

- 422 The submitted Biodiversity Gain Plans indicates that, on the basis of the outline submission, the development would deliver an increase in biodiversity value of up to 5% compared to the site's current quarry state, and 0.36% compared to the approved minerals restoration plan. It is recognised that further opportunities exist to improve the level of performance at the detailed design stage. This would meet the requirements of Policy SP11 of the Core Strategy, and the NPPF's aim to achieve measurable net gains biodiversity.
- 423 Reflecting the requirement of the STNP, and a number of comments on the applications, conditions would be used to secure a net gain of 10% whenever possible. A Biodiversity Net Gain condition to achieve 10% is being imposed.
- 424 It is noted that issues have been raised by KCC Ecology and the Kent Wildlife Trust regarding the failure of the submissions to fully meet the 'trading rules' for biodiversity net gain calculations (based on the current metric used to establish net gains). This relates to the requirement that 'trading down' in biodiversity value must be avoided; Rule 3 of the metric states that losses of habitat are to be compensated for on a "like for like" or "like for better" basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost.
- 425 In this respect, the development would result in the loss of 'open mosaic habitat' - a transient habitat within the quarry void - areas which have been quarried and then left undisturbed long enough for areas of vegetation (such as lichen) to develop. This would be replaced by other habitats with high biodiversity value that would respond to the priorities of the Greensand Heath and Commons Biodiversity Opportunity Area (e.g. heathland and acid grassland). Further, while some of the broadleaved woodland would be lost in favour of the creation of grassland habitats that support meadow pipit and skylark populations, the applicant has confirmed there would be 12.9ha of retained woodland and 11.1ha of new woodland planting. On balance, while recognising some conflict with the calculation rules that have led to outstanding objections from KCC Ecology and the Kent Wildlife Trust, these exchanges of habitats are considered appropriate. It is noteworthy that the open mosaic habitat would also be lost under the quarry restoration plan.
- 426 The submitted Protected and Priority Species Mitigation Strategy identifies the approach to securing the protection and enhancement of wildlife on site; of note, a number of mitigation measures for the protection of species are already being carried out in connection with quarrying works, with populations of reptiles and amphibians relocated.
- 427 The Strategy includes further provisions for the protection and enhancement of habitats that accommodate Great Crested Newts (GCN), other reptiles and amphibians. Following the completion of the proposed development, there would remain nine ponds on site which would provide suitable habitats for GCN, including seven that were purposely constructed as GCN habitat. Further ponds and areas of long grassland would be provided, along with other opportunities for creating refugia within the development areas. Where necessary, any remaining populations within the areas of

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development could be dealt with through Natural England's District Licencing Scheme in Kent, and the applicant has advanced this process through the submission of an application for this scheme.

- 428 The grassland in the north of the site that supports breeding grassland birds (including skylark and meadow pipit) would be retained and maintained as suitable habitat; this would include the provision of fenced off areas to prevent disturbance to ground nesting birds through human and pet activity.
- 429 In terms of woodland birds, any necessary clearance of trees and shrubs would take place outside the breeding season. A proportion of existing woodland, including the Ancient Woodland, would be retained within the development and would be protected during the course of construction. New woodland habitat would also be created, as shown on the parameter plan, providing new bird nesting and breeding habitat.
- 430 For wetland birds, numerous waterbodies would be created or retained within the site. A sand martin breeding colony is known to be present on the site. Following further survey work, a suitable replacement nesting bank would be provided, which would be also be secured long term as part of the development scheme.
- 431 For mammals, further survey works would inform ecological protection measures for each phase of works, and licenses would be sought where appropriate. The scheme would provide for the retention and creation of habitats and foraging opportunities, including through providing woodland, grassland, hedgerow, flower meadow and open water, supported by the provision of other features such as bird/bat boxes and other refugia.
- 432 Other opportunities for biodiversity enhancements would be considered for each phase, potentially including biodiverse living roofs, wildlife friendly planting, vertical greening, invertebrate habitat features, bird and bat boxes and hedgehog foraging and movement measures.
- 433 KCC Ecology has expressed concerns regarding the level of detail presented within the outline application submission with regards the specific mitigation measures. Given the space available within the site as defined on the parameter plan and the detail submitted, it is considered that mitigation measures are adequately described and commitments made that can be secured as the development advances. Conditions are therefore appropriate to secure the necessary ecological protections and enhancements that would also allow the future phases of development to respond to ecological conditions at the time of delivery.
- 434 In this respect, it is considered that the ecological protections and enhancements secured by the outline planning proposals, and enforced through the planning conditions, would meet the requirements of Core Strategy Policy SP11 and the NPPF.

### Residential Amenity

- 435 The NPPF advises, at paragraph 185, that planning policies and 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Further advice on various amenity issues is provided by the Planning Practice Guidance and, on noise, within the Noise Policy Statement for England.
- 436 ADMP Policy EN2 requires that developments provide adequate amenities for future occupiers, and safeguard the amenities of existing and future occupants of nearby properties. Occupiers should not be subject to excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion, and should not suffer unacceptable loss of privacy or light. Under Policy EN7, development should not have an unacceptable impact when considered against the indoor and outdoor acoustic environment and should not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 437 As details of layout and design are reserved, the implications of the development in terms of levels of light, outlook and privacy cannot be fully assessed at this stage. These assessments, looking at amenity to both existing residents adjoining the site and to the future residents of the scheme, will be considered at reserved matters stage. Nonetheless, it is apparent that the development parcels would benefit from the separation provided by the generous landscape boundary on the southern edge of the site. The only location where development would adjoin existing housing would be in the south west corner, where care would need to be taken to ensure there are no adverse amenity impacts on the existing properties on Watercross Drive.
- 438 The impact of the development on air quality through the construction stage and in operation is considered further within the ES section below. It is relevant to note that the reconfiguration of the Bat and Ball Junction, which would be delivered as part of the scheme, is expected to achieve benefits to air quality in the vicinity of the site, in line with SDC's Air Quality Action Plan 2022. Measures to promote walking and cycling and more sustainable movement patterns, including through the provision of additional footpaths and cycle ways, would further support air quality enhancement measures.
- 439 The generation of dust through the construction phase, and in conjunction with the continued quarrying activity, has also been assessed. This would be partly controlled by the relocation of processing and handling plant away from residential occupiers, with bunds and acoustic fencing placed between them. The assessment concludes that dust emissions from the quarry would not result in a significant impact on new receptors within the Site. Nonetheless, a condition is proposed requiring a minerals update statement to be submitted and approved ensuring that appropriate protections are in place between quarrying activities and the residential development.

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- 440 For dust generated during construction, this can be controlled through a Construction and Environmental Management Plan (CEMP) that would be required by condition.
- 441 Noise impacts on existing and future residents, and on the proposed school site, are also considered within the ES (and summarised below). This includes impacts arising from both construction and the completed development (e.g. commercial operations), the ongoing mineral operations, transport-noise sources and increases in traffic and from the adjoining industrial estate. As summarised below, with careful noise control and mitigation, it is expected that these noise sources can be managed to appropriate levels. It is noted that noise from increased traffic along Bat and Ball Road and Mill Lane, given low baseline levels of traffic, are considered to have a moderate adverse impact, although these are assessed as being within appropriate limits.
- 442 A number of traffic related amenity impacts are assessed within the ES, including the impact of increase flows on matters such as severance, pedestrian delay and amenity, fear and intimidation and accidents and safety, as well as on noise. It is evident from these assessments that the greatest percentage change in traffic flows would be experienced on Mill Lane and Greatness Lane. The ES Transport chapter assesses these changes to be no greater than of minor significance and within acceptable limits, and that these impacts would be mitigated by the wider enhancement of pedestrian and cycle links within the area. The ES Noise Chapter also recognises that these roads would experience a minor or moderate impact from traffic generated noise, although again within acceptable limits.
- 443 It is recognised, nonetheless, that there would be a change to the amenity of these local roads that would result from the development, which might be considered harmful. These would partly be mitigated by encouraging other modes of transport; e.g. through the improved pedestrian, cycle and bus links, and other travel plan measures (such as the provision of an on-site mobility hub), which should further suppress travel by car.
- 444 In addition, measures would be sought at the reserved matters stage that would further discourage the use of the secondary access on Farm Road for non-essential through traffic, in preference for the primary route along Bat and Ball Road. This could be achieved through the design of the internal highway layout to create a more local access, with slower design speeds and regular speed restraints (e.g. tight radii and geometry at junctions, raised traffic tables, pinch points, varied surfacing etc.). A specific condition has been proposed that would secure measures to discourage the use of the Farm Road access, to limit amenity impacts on nearby residents.
- 445 Overall, subject to further detailed design and mitigation measures controlled by condition, it is considered that appropriate levels of amenity would be provided in order to meet the requirements of Policy EN2, EN7 and the NPPF (and accompanying guidance).

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446 Air quality impacts are reviewed below as part of the findings of the Environmental Impact Assessment. Of note, the delivery of the roundabout, and the resultant improvements in traffic flows, are expected to result in enhancements to air quality, along with the inclusion of other sustainability measures. These would support air quality enhancement measures identified in the Council's Air Quality Action Plan 2022 which, it states,

“largely include encouraging a behavioural shift to using more active and sustainable modes of transport, but also to switch to low or zero emissions vehicles. A number of congestion hotspots have been identified throughout AQMA No.13, therefore road/junction improvements at the Bat & Ball junction, A224/A25 in Riverhead, A25 in Seal and A25 in Brasted will be carried out in order to improve traffic flows and reduce congestion in these areas.”

447 The EHO has reviewed the Air Quality Damage Cost Analysis provided by the applicant, and has confirmed that he is satisfied that the mitigation measures proposed within the air quality assessment, and throughout the application, would sufficiently address the potential harms caused by the proposed development (e.g. through increased traffic flows).

#### **Flood risk and Drainage**

448 The Application Site is located wholly in Flood Zone 1 according to the Environment Agency's Flood Map for planning, and as such is within an area with a low probability of flooding; the NPPF indicates that housing development should be directed to such areas. No watercourses run through the site; the closest watercourse is the River Darent which flows at a distance to the east and north of the site.

449 Mapping shows some pockets of the site being at low, medium or high risk of surface water flooding. A number of these are focussed around the water bodies on the site or in the northern section of the site close to the rail line. There is, nonetheless, a scattering of these across the site.

450 The applicant has submitted a Flood Risk Assessment (appended to Chapter 10 of the Environmental Statement: Hydrology, Flood Risk and Drainage) and Drainage Strategy. The Drainage Strategy is based on ensuring that there is no increase in flows of surface water off site into the River Darent, to avoid an increased risk of flooding downstream and off-site. The Strategy confirms that the Lakes will provide ample attenuation for surplus volumes of surface water, acting as attenuation basins. These will be accompanied by smaller attenuation basins and cascading ponds. Sustainable drainage methods including permeable and tanked permeable paving, swales and filter strips adjacent to highways and bio-retention areas (shallow, planted depressions used for collection of surface water) are also proposed as viable options.

451 Kent County Council, as the Lead Local Flood Authority (“the LLFA”) and the Environment Agency have been consulted on the proposals.

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- 452 The LLFA has confirmed their agreement in principle to the proposed development, advising that the surface water can be appropriately accommodated within the site subject to securing further details of the drainage strategy at reserved matters stage. A detailed surface water drainage strategy would be required by condition for each phase of development; this must demonstrate that the surface water generated by the development (including provision for exceptional storm events) can be accommodated and disposed of without increase to flood risk on or off-site.
- 453 The Environment Agency has confirmed that the assessment of flood risk as set out within the submission is considered acceptable, again, subject to further details being secured by condition. As much of the site lies within a water Source Protection Area, further conditions are proposed that would control infiltration drainage methods and the use of piling to ensure that the development would not result in the pollution of ground water sources.
- 454 In terms of foul drainage, the submission confirms that a new sewer network will be required within the site to serve the development, which will connect to the existing network to the south and west. Thames Water has confirmed that they are currently working with the developer to identify and deliver the off-site foul water infrastructure needed to serve the development. While some capacity exists within the network, it is a point of agreement between the applicant and Thames Water that upgrades to the waste water network will be required. A condition will therefore prevent development from proceeding without assurances that appropriate capacity will be provided first.

### Sustainability

- 455 An Energy and Sustainability Statement has been submitted with the application providing an outline of sustainable design measures to be incorporated within the proposals, which will be further developed at detailed design stage; commitments achieving sustainable design are also contained within the Design Principles Document (SWP16). Following the energy hierarchy, the proposed energy strategy focuses on a passive design and 'fabric first' approach to minimising energy demand and carbon emissions, through the construction of well-insulated, energy efficient building fabric and services, that maximise the benefits of natural sources of light and ventilation. High energy efficient heating, lighting and equipment would further minimise energy usage. Following the energy hierarchy, a range of low and zero carbon energy sources have been reviewed; the use of solar photovoltaic panels and heat pumps have been identified as potentially suitable technologies.
- 456 The above sustainability measures would be accompanied by other proposals relating to transport and movement, water efficiency, flood risk and drainage, landscape and biodiversity. A number of these are addressed elsewhere in this report.
- 457 To ensure these measures are carried forward in each phase, and that they respond to the relevant standards and best practice at the time of coming



forward, the reserved matters application for each future phase would need to be accompanied by a Decarbonisation Statement describing the measures to reduce carbon emissions within that phase. In this way, it is expected that the development would meet the objectives of CS Policy SP2 to promote best practice in sustainable design and construction and contribute to the goal of achieving zero carbon development as soon as possible, including through the use of low-carbon energy sources. It would also deliver on the STNP Policy D5 objective to deliver new homes that are energy efficient, constructed using sustainable materials and maximise natural light while avoiding overheating.

- 458 In terms of water efficiency, the Design Principles document confirms a commitment to incorporating rainwater and greywater recycling features into homes and the public realm and the use of water saving devices. These would be carried forward in the Site Wide Design Code and detailed submissions.

### **Findings of the Environmental Impact Assessment**

- 459 The application has been subject to an Environmental Impact Assessment (EIA) presented in the form an Environmental Statement (ES) submitted with the application, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). These Regulations require that any proposed development falling within the description at Schedule 2 should be subject to an EIA where that development is likely to have significant effects on the environment, taking into account factors such as its nature, size or location.
- 460 The main body of the report addresses many of the implications identified in the ES. In summary, the following conclusions were found.

### **Socio-Economic Impacts**

- 461 The socio-economic effects centre on the impacts of the proposed development arising from the additional population and housing and its implications for the economy and labour market, and health, education and community facilities.
- 462 In terms of construction jobs, the investment sustained over a period of 18 years is predicted to generate 823 construction jobs, or 46 construction workers a year. This would not include the workforce required to deliver off-site works (e.g. the Bat and Ball junction). A further 24.6 jobs per year are predicted to be generated as a result of indirect impacts of the construction process, through supply chain links and increased spending in the area.
- 463 On completion, it is estimated that the non-residential uses would generate 123 direct jobs (gross figure), compared to the existing number of employees at the Quarry of 29 (many of which would be retained until quarrying is complete, and then re-deployed by Tarmac).

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- 464 The delivery of up to 800 new homes and 150 specialist homes for older people to meet identified need is regarded as a substantial benefit, as referenced above.
- 465 Taking into account average household sizes, the proposed 800 homes are expected to generate a population of 1,920, with a further 225 people living in the C2 specialist homes for older people. Based on the 2011 Census data, this represents a 10.5% increase in the population of Sevenoaks Town which must also be seen in the context of the projected population growth.
- 466 The ES considers both the positive and negative impacts of this population increase. The potential negative impacts relate to the capacity of community and social infrastructure; the potential positive impact of the increased population arises from the local economic benefits of increased expenditure in the economy, estimated to be £11million of additional retained expenditure in the Sevenoaks economy.
- 467 Residents of the proposed development will generate demand for local services. In terms of education, demand for both primary and secondary school places is estimated. In terms of primary school demand, the provision of land for a two-form entry primary school (to be provided as a one form entry with the potential for expansion), along with pro-rata funding towards build costs to be provided through the development, would ensure that the needs of the population generated by the development and of the wider population can be met.
- 468 While there are a number of secondary schools within easy reach of the site, the ES estimates that a further 160 pupils could be generated by the development (in excess of the KCC Economic Development estimate) and that there are some capacity constraints. To meet this need, the ES proposes that mitigation would be required in the form of financial contributions to support increased capacity. It has been agreed that the applicant will contribute towards the purchase of land and built costs to increase secondary school places, which would be secured through the Section 106 Agreement.
- 469 The ES recognises that the development would generate a need for 1.22 GPs. Whilst there appears to be some capacity further afield (e.g. at Amherst surgery), capacity constraints are noted at the nearest surgery at St Johns. It therefore recognises that it may be necessary to increase GP surgery capacity. In this regard, it is noted that the primary health care trust has not requested a contribution directly, and that the applicant has advised that the Trust has confirmed it has no wish to deliver a surgery on site. The demand arising from the development would need to be managed carefully through the financial resources raised by this and other developments through the use of Community Infrastructure Levy funding. The proximity of Sevenoaks Hospital is noted and other health facilities such as dentists and pharmacies are considered to be well provided in the area.
- 470 More generally on health and wellbeing, the ES identifies a number of positive impacts of the development resulting from the provision of a new

school, community and green spaces, the new network of pedestrian and cycle ways, sporting opportunities provided by the lakes, sustainable and affordable homes, and the provision of specialist care home for older people. The provision of a significant area of parkland and lake would deliver a substantial benefit to the wider community.

- 471 In terms of community facilities, the development will deliver various new spaces and will be in close proximity to other local facilities for community and recreation/sporting use. Again, financial receipts generated through the Community Infrastructure Levy can support the increase in capacity of community uses (such as libraries) where needed.
- 472 The ES considers the impact on crime and community safety, albeit recognised that these aspects would be managed through delivering appropriate design strategies.
- 473 Overall, the ES recognises the major beneficial impacts arising from the delivery of housing, along with a number of other benefits to the economy, health and wellbeing. The pressure on social infrastructure would be managed through the provision of facilities on site (e.g. the primary school) or through securing contributions via CIL or the Section 106 Agreement.

#### Landscape

- 474 Landscape and Visual Impacts are considered above, and are based on the outcomes of the LVIA. This includes an assessment of the impact of the development on key visual receptors, including residents within Sevenoaks and the surrounding area; recreational users of the PROWs and other publicly accessible spaces (e.g. the North Downs Way); and vehicular users. The impact on landscape character has also been assessed.
- 475 Overall, the ES assesses the residual effects of the development on landscape character and visual appearance to be negligible during the construction phase.
- 476 Post-completion, the impact on a number of views are assessed as being either negligible or minor - moderate adverse, with the only major impact on views being experienced by users of the public right of way crossing the site where the impact would be immediate and obvious. The assessment judgements relate to the magnitude of change assessed against the baseline scenario (the restoration masterplan) and, for some views, the sensitivity of the receptors (e.g. the visibility of the site to residents); in all instances, the assessed impact represents a worst case scenario. As noted above, for distant views, while changes would be experienced, the development would form a small part of the vista, broken up by intervening landscape and largely seen as horizontal bands of buildings set against the backdrop of Sevenoaks urban area.
- 477 For predicted landscape impacts, the only assessed effects considered to be greater than minor relate to the impacts on (i) the site-specific character

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(relative to the restoration scheme), which are assessed to be moderate/negative reducing to minor/neutral in the northern and peripheral parts of the site; and (ii) the impact on the characterisation of the site as part of the Upper Darent Valley East within the Landscape Character Assessment, assessed as minor - moderate and negative. However, the LVIA notes that ... “Relative to the size of this landscape character area, the scale and extent of changes resulting from the proposed development would be very small when considering the level of mitigation that has been incorporated as part of the proposals which would enhance and reinforce local characteristics.” Impacts on the character of the surrounding landscape are assessed as ranging from neutral and negligible, through to negative minor or negligible. These impacts largely result from the inter-visibility between the character area and the site, which is limited.

### Ecology

- 478 Ecological impacts are largely dealt with earlier in the report.
- 479 The ES finds that, considering the proposed mitigation and the creation of new habitats, the proposed development is likely to have a beneficial impact overall. This is because the habitats to be provided will provide increased opportunities for biodiversity than was present at the site before quarrying started, and during quarrying, and because the retained open spaces will be optimised and managed for biodiversity, delivering higher biodiversity value over a smaller area than would have been provided by the restoration plan.
- 480 At the post-completion stage, most potentially significant impacts can again be avoided or reduced to negligible through mitigation. The ES identifies two potential residual impacts, which are cat predation of protected and priority species and disturbance of protected and priority species by recreational use of the open space. Mitigation measures are suggested to manage these aspects, making their impacts minor to negligible.

### Transport

- 481 The ES considers the impacts of traffic flows generated by the development on local residents through matters such as severance, driver delay, pedestrian delay and amenity, fear and intimidation and accidents and safety.
- 482 In terms of construction traffic, the ES estimates that there would be approximately 40 HGV movements and 40 LGV movements associated with construction, based on Monday- Saturday deliveries over 48 working weeks. These would be principally routed via the A25 and A225 to the Bat and Ball Road entrance. In this respect, the assessment finds that construction traffic, which would also be controlled by a Construction Transport Management Plan to be agreed with SDC in future, is likely to result in negligible impacts.

- 483 Once developed, a number of long-term benefits are expected to flow from the development, including improvements to pedestrian and cycle links and the creation of a sustainable development; these are assessed as being of moderate beneficial impact.
- 484 In terms of severance, Greatness Lane and Mill Lane are expected to experience the greatest percentage change in traffic and it is assessed that there would be a minor adverse impact. The proposed enhancements to the pedestrian and cycle network are considered to reduce this to a minor beneficial impact. Without mitigation, the proposed development would result in driver delay, considered to be of minor adverse significance; the works to Bat and Ball Junction would, however, reduce delays at this pinch point on the network, resulting in a minor beneficial impact. All other impacts, with mitigation measures in place, are assessed as being either of minor beneficial or negligible significance.

#### Air Quality

- 485 In terms of baseline air quality conditions, it is notable that the site lies in the vicinity of an Air Quality Management Area (AQMA) that runs east-west along the A25 to the south of the site, extending outwards at the Bat and Ball Junction. SDC declared this stretch of road an AQMA due to exceedances of the NO<sub>2</sub> annual mean objective and objectives exist to improve air quality conditions within this.
- 486 During the construction phase, the ES states that the main air quality effects are expected to relate to the impact of construction traffic on annual mean NO<sub>2</sub> and particulate levels and of dust generation from construction activity. Considering the scale and nature of these impacts and the provision of appropriate dust control and suppression measures, which would be set out in a Construction and Environmental Management Plan, the ES concludes that these impacts would be temporary and negligible in severity.
- 487 Modelling has been used to predict the impact of development traffic on air quality, taking into account the predicted reduction in queue lengths arising from the improvements to Bat and Ball junction.
- 488 The assessment predicts decreases in annual mean NO<sub>2</sub> levels in the vicinity of the Bat and Ball Junction; elsewhere, impacts would be negligible. In terms of particulates, a small decrease is expected at the Bat and Ball Junction, again with negligible impacts on particulate levels elsewhere. As a whole, the anticipated impact of the development on air quality as a result of traffic generation is considered to be minor-moderate beneficial due to the positive impacts of the new roundabout.
- 489 An Air Quality Damage Cost Analysis has been carried out to inform the ES, using the Defra toolkit, and based on the predicted daily trip generation from the full development. The resulting damage is estimated at £255,903. This provides the basis for determining measures to offset the impact.

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- 490 In this respect, the ES outlines a number of mitigation measures, notably including the upgrades of the Bat and Ball junction. It would also include the provision of the proposed on- and off- site cycle and pedestrian links; on site bicycle storage and repair facilities; Travel Plan measures; the provision of a local centre and community facilities within the site that reduce the need for car travel; delivery of a bus interchange (transport hub) within the site and the extension of existing services into the site; provision of electric vehicle charging point provision; creation of co-working spaces; etc.
- 491 It is concluded that the impact of the operational development would be significantly beneficial overall. The Environmental Health Officer has confirmed that sufficient mitigation is to be provided to meet the identified harm.
- 492 The Air Quality assessment also considers the air quality impacts of continued quarrying operations on the first phases of housing development, which would be delivered in the south western part of the site. The processing and handling plant would be moved to the north western part of the site, with bunds and acoustic fencing placed between this and the new housing. This, the ES states, would reduce the pathway effectiveness for dust dispersion. The assessment has concluded that due to sufficient separation distances, dust emissions from the quarry would not result in a significant impact on new receptors within the Site. No additional mitigation is therefore proposed.
- 493 Nonetheless, to ensure that quarrying operations are not unnecessarily encumbered and that new residents would be appropriately protected, a condition is proposed requiring a minerals update statement is required to secure appropriate protections are in place between quarrying activities and the residential development.

### Noise

- 494 The Noise chapter of the ES considers the likely effects of noise from existing road and rail traffic, industrial noise sources and the retained mineral operations; and noise due to changes brought about by the development, such as road traffic movements and new commercial/leisure facilities.
- 495 Noise and vibration from construction has also been assessed, with limits proposed to avoid significant adverse impacts; only minor adverse impacts would occur as a result of such mitigation. This would include the sensitive routing and timing of construction deliveries. These would be addressed through an agreed Construction Environmental Management Plan.
- 496 Where a residential development phase comes forward whilst minerals operations continue, a technical document, including noise assessment, will need to be submitted and approved by SDC, prior to the approval of reserved Matters Applications. As the noise assessment predicts potential significant effects to the residential development in the northern part of the early phase of development, mitigation measures are likely to be necessary;

this would include a 2-metre acoustic barrier between the mineral operations and early phase development.

- 497 The proposed development incorporates commercial uses, which are as yet undefined, but are potential generators of noise from activities or fixed plant. Appropriate mitigation measures and controls would need to be put in place to ensure that noise limits are not exceeded at both existing residential receptors off site and occupied residential receptors within the development. These would be brought forward in connection with detailed submissions.
- 498 Noise generated by development traffic show the greatest potential for change along Mill Lane and Bat and Ball Road. This is partly due to the low levels of traffic along these roads in the predicted baseline. For these roads, a moderate adverse effect is expected. All other roads would experience a minor noise effect.
- 499 In general, the ES finds that the noise levels affecting the proposed development due to transportation sources indicate that the site is suitable for residential development. The proposed location for the primary school also appears appropriate with regard to noise. The noise levels generated by the industrial estate to the west are assessed as being within acceptable noise limits; the ES notes, however, that “With the variable noise levels that can occur on industrial sites, the noise exposure may be higher at times. Therefore it is recommended that additional mitigation is included for the proposed residential development that is nearest to the industrial estate, to comply with the ‘Agent of Change’ principle within the NPPF.”
- 500 The noise assessment confirms that, for the purposes of this noise assessment, moderate and minor effects are considered “not significant” and are based on small or negligible magnitude of impacts. This would be consistent with No or Low Observed Adverse Effect levels, as set out in the PPGN noise exposure hierarchy.

#### Hydrology, Flood Risk and Drainage

- 501 The ES highlights potential risks to surface water drainage and to the quality of water as a result of construction activities (e.g. through spillages or sediment wash off during earthworks). These can, however, be appropriately mitigated through implementing suitable construction drainage strategies during the course of construction, to be secured through the Construction Environmental Management Plan. This would control runoff from the site, directing surface water runoff to the two lakes within the site, and prevent mobilised contaminants from polluting water sources. The ES concludes that the resultant impacts on surface water drainage and quality would be negligible as a result.
- 502 As noted above, the ES confirms that a surface water drainage system would be constructed as part of the proposed development, which entails the discharge of surplus water from the site to the River Darent. Attenuation within the site, including the drainage of surface water flows to the lakes and other attenuation features, would ensure that the volume and rate of

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discharge to the River Darent catchment would not be increased as a result of the development. There would be no increased flood risk.

- 503 Further, appropriate mechanisms would be incorporated within the surface water drainage systems (e.g. catch pits, tanked permeable paving etc), to ensure that run off does not result in pollution to ground water.
- 504 The detail of these systems and mechanisms would be secured through conditions and, as a result, would ensure that there would be negligible effects on the water environment.
- 505 A foul water drainage system will be constructed as part of the development, with flows pumped to the existing sewer network outside of the site boundary. Thames Water has indicated that the existing network has insufficient capacity to receive the proposed foul flows from the site and, as such, the ES states that the impact of the completed development on foul water drainage could be of major adverse significance. Upgrade works would therefore be required off-site to provide additional capacity, for which Thames Water would be responsible. A condition would secure the delivery of an appropriate foul drainage strategy for each phase prior to works commencing, to ensure that the risk of sewer flooding becomes negligible.

### Ground conditions

- 506 The impact of the development on ground conditions and the potential for contamination are considered by reference to a Phase 1 Desk Study and Phase 2 Ground Investigations undertaken in 2021, along with targeted supplementary investigations carried out on the site.
- 507 The works identified the following key risks: the presence of asbestos within buildings and made ground; presence of petroleum hydrocarbons, metal and VOC (volatile organic compounds) contaminations associated with the use of specific parts of the site; ongoing potential for spillage of fuel brought to site and used by contractors; arsenic concentrations in shallow groundwater; vapours identified that require further identification to establish presence of toxic VOC. These present a risk to a number of receptors, including to both construction workers and end users; and to ground water. It is noted that the site is within a water Source Protection Zone, albeit the groundwater beneath the site was classified as poor in 2019.
- 508 A number of mitigation measures are identified to resolve all the contamination issues identified. During construction, this will include further asbestos surveys and the appointment of a specialist contractor to remove asbestos from buildings under controlled conditions prior to demolition; and the removal of contaminated material and their appropriate disposal in line with the Construction and Environmental Management Plan to be secured by condition. Contractors would be required to adopt best practice measures, including the use of personal protective equipment.

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- 509 Post completion, the removal and disposal of contaminants during the demolition stage is expected to mitigate the risk to occupants of the site. Further monitoring and assessment of certain pollutants and their risk levels is however recommended to establish their presence and to determine mitigation measures necessary to remediate the site to an acceptable level for the proposed uses.
- 510 Mitigation measures are expected to resolve contamination issues and would be secured through condition.

### Infrastructure

- 511 The Core Strategy states that, where new development creates a requirement for new or improved physical, social and green infrastructure beyond existing provision, developers will be expected to provide or contribute to the additional requirement (Policy SP9). Policy D2 of the draft STNP requires the safeguarding of land for community infrastructure including the provision of a primary school and medical facilities. A number of representations have raised concerns regarding the capacity of infrastructure to meet the needs of the increased population.
- 512 As noted elsewhere, the proposal safeguards land 2.05ha of land for a primary school which would serve the development and the wider catchment. The applicant would transfer a serviced site to KCC at the point it is required to meet rising demand. While the applicant would not be responsible for building the school, a financial contribution would be secured (either through the Section 106 Agreement or CIL - see below) proportionate to the number of primary age children generated by the scheme. Contributions towards secondary education and land would be delivered in the same way. In this way, it is expected that sufficient school's capacity can be secured, subject to delivery by the education provider.
- 513 KCC Economic Development has also raised other potential needs for social infrastructure, including community learning, youth services, library stock, social care and waste, for which it intends to seek contributions through CIL receipts. Of note, the application development would contribute to the delivery of social care, through the development of specialist care homes for older people, as well as providing community spaces within the development.
- 514 Other services have been reviewed within the ES Socio-Economic Chapter, which identifies the potential need for additional GP surgery capacity. As noted, no direct response has been received from the primary care trust, although liaison with health providers is ongoing through the preparation of the local plan and infrastructure delivery plans. Requirements for expansion of health services will, therefore, need to be carefully managed in future through the prioritisation of CIL receipts to meet the requirements of population growth.
- 515 In terms of green infrastructure accessible to the local community, the application would make a significant contribution through the delivery of
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the new parkland and recreation space. Smaller scale community spaces - such as parks and play spaces - would be delivered within the developable areas. The delivery of a new water sports facility would be a unique facility, with community access secured through the Section 106 Agreement, benefiting the local area.

- 516 The impact of the development on water infrastructure would be need to be managed as the development progresses, in consultation with the water companies. The impact on drainage infrastructure, as discussed above, means that upgrades would be necessary over time; a condition would ensure that no part of the development is commenced until it can be demonstrated that the capacity exists to meet the increased pressure on drainage infrastructure.

### Planning Obligations and Community Infrastructure Levy (CIL)

- 517 The development would be liable for CIL and the extent of CIL liability would be determined at the Reserved Matters stage, once the liable floor space is established. This is as required by the CIL regulations. CIL contributions are intended to fund infrastructure to help support development. Infrastructure providers would be able to bid for funds in line with the Council's existing CIL spending procedures. The applicant provided an estimate of the CIL liability based on a number of assumptions about the size and mix of units, which would deliver a CIL receipt of between £10.48m and £11.79m (based on the 2022 rate) that would contribute to meeting infrastructure needs in the area.
- 518 A Section 106 Agreement would secure further obligations in relation to the development, relating to transport improvements, education, affordable housing, Greatness Lake Park and community infrastructure as highlighted within the recommendation. These have been assessed against the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), and are considered to be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

### Other Matters

- 519 Utilities: The application submission provides an overview of utility infrastructure on and around the site, including survey work to confirm supply routes and capacity for the delivery of electricity, gas, potable water, telecommunications and foul water (dealt with separately under drainage). It makes early stage recommendations regarding the need to divert or upgrade infrastructure, and for the provision of on-site utilities infrastructure, taking into account the need to future proof the development to respond to changes in technology, policies and standards. This includes requirements for reinforcement works to water supply and drainage infrastructure. These would be progressed as development is brought forward in conjunction with the utility providers. A condition would

require that sufficient sewage capacity is in place before development is commenced.

- 520 Equestrian Access: The British Horse Society (BHS) has requested that equestrian access to the development be secured. Whilst this is not excluded from the plans, it is not considered necessary to secure this provision, given the location of the site on the hinterland of the urban area. This requirement is not considered necessary to make the development acceptable. Other improvements to existing PROWs are being secured as part of the development in any event.

### Very Special Circumstances

- 521 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 resulting from the proposal, is clearly outweighed by other considerations.
- 522 As identified above, the proposal would be inappropriate development in the Green Belt and, therefore, harmful in principle; substantial weight must therefore be given to this harm.
- 523 I have also identified actual harm to openness, particularly when compared to the proposed restoration plans for the site, which would be delivered once mineral operations are complete. This would principally relate to harm experienced within the site boundaries, where there would be the greatest impact on openness. The impact on openness when viewed from external vantage points is more limited, with views filtered by the quarry landforms and vegetation surrounding the site and screened by existing buildings from within the urban area. There would, nonetheless, be some perception of new built development in views from the surrounding area, particularly from within the countryside to the north.
- 524 In terms of the purposes of Green Belt, I have found that the development would not lead to unrestricted sprawl of the built up area (Purpose a) or lead to neighbouring towns merging (Purpose b). Purpose d (to preserve the setting and special character of historic towns) and Purpose e (to assist in urban regeneration) would not be impacted by the development. There would be encroachment into the countryside as a result of the development when compared to the restoration plan, although this would be within defined and robust boundaries and limited further by a robust landscaping scheme. This harm is considered to be limited, especially if considered against the current quarrying context. Nonetheless, all harms to Green Belt must be given substantial weight.
- 525 Referring to other impact, the above assessment finds some harm arising from changes to the landscape character within the site and impacts from surrounding views, including from the AONB, albeit these views are few in number. These impacts are more marked when compared to the proposed restored site, reduced to limited harm when taking into account the

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quarried state of the site. There would also be harm to the amenity of local residents, within increased traffic resulting in a change to the environment of nearby residential streets. Such impacts would not, however, result in unacceptable or excessive amenity impacts and can in part be mitigated by conditions.

- 526 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. In this instance, the very special circumstances are as follows:

### Housing and Affordable Housing Delivery

- 527 The development would deliver 800 new homes in the context of a pressing, ongoing housing need in the District. This need has been identified in SDC's own evidence, and recognised in recent appeal decisions, where Inspectors have described the Council's housing situation as "acute" and "chronic". This failure to deliver housing conflicts with the NPPF's emphasis on boosting the supply of homes and maintaining a sufficient amount and variety of land to meet local needs.
- 528 Notwithstanding SDC's published figure, a decision in October 2022 relating to a housing proposal in the District noted that ... "Sevenoaks can only currently demonstrate a 2.6 year supply of homes which is a significant shortfall." [my emphasis]. Further, the Inspector found that "... the Council's Housing Delivery Test results for the past 3 years [...] demonstrates a deteriorating position and a significant under delivery of housing over recent years."
- 529 SDC has identified a minimum need for 714 new dwellings each year across the District to 2040, and an annual need for 423 affordable dwellings
- 530 Significant weight is therefore given to the provision of 800 new homes towards the district council's housing stock, and very substantial weight to its sustainable urban extension location. Plus its status with the STNP, reflected in the emerging Local Plans, holds significant weight.
- 531 Further to this, significant weight to the proposed delivery of 40% affordable housing on this site, for reasons set out earlier.

### Provision of Specialist Care Homes for Older People

- 532 As referenced above, the Sevenoaks Targeted Review of Local Housing Needs 2022, identifies a need for 1,345 more specialist homes for older people, including 418 Class C2 residential care units to 2040. In this context, the delivery of 150 specialist homes for older people would make a significant contribution to meeting identified needs for such accommodation in the District. This is given significant weight.

### Provision of water sports opportunities, with access for community

- 533 The NPPF is clear that policies and decisions should aim to achieve healthy, inclusive and safe places, through enabling and supporting healthy lifestyles, including through the provision of safe and accessible green spaces and sports facilities (para.92). Decisions should plan positively for the provision and use of community facilities (such as open spaces and sports venues). Paragraph 98 notes that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. The delivery of a new water sports facility is a key objective of the draft STNP, set out within its policy for the redevelopment of the site.
- 534 The delivery of the two central lakes - the main lake (of approx.15ha) and smaller lake to the west - alongside the Lakeside Centre would provide new opportunities for the local area for water sports activities such as paddle boarding, canoeing, and wakeboarding; the smaller lake offering a 'gateway' facility for access to these sports for beginners and younger people. Opportunities for the community to access these facilities would be secured through a 'community use agreement', which would be delivered as part of the obligations of the Section 106 Agreement.
- 535 In this way, the development would respond to national and local objectives to enhance health and wellbeing, and would deliver an unique opportunity for outdoor sports for existing and new residents. I attach very substantial weight to this benefit.

#### Provision of Community Spaces

- 536 Existing buildings within the site - the locally listed Oast House and Barn - would be refurbished and re-purposed for community-related uses, integrated within the development and supporting the establishment of a sustainable, mixed use community. These community purposes would, again, be secured through the Section 106 Agreement and would deliver on the draft STNP's objectives for the site and to the NPPF's emphasis on promoting healthy, inclusive and safe places, including through the provision of shared spaces and community facilities.
- 537 In this way, a local heritage asset would also be re-utilised for viable use, helping to secure its long-term conservation, in line with the NPPF policies for conserving and enhancing the historic environment. Moderate weight is given to this benefit.

#### Provision of Greatness Lake Park

- 538 A substantial new public open space would be delivered as part of the development, creating a new recreational opportunities for the community (criss-crossed by a network of recreational routes) and providing ecological benefits. Noting the objectives identified above, which include encouragement for the creation of new green spaces, the provision of this space is expected to make an important contribution to health and wellbeing, and to the environment. This would be secured through the Section 106 Agreement, to be delivered in conjunction with the housing  
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development, once quarrying activities have ceased. I note that the new park would be of reduced size to that approved under the restoration masterplan for the quarry. Given this 'baseline position', this represents an important contribution to which moderate weight is attached.

Transport Benefits, including Bat and Ball Junction works.

- 539 The development would deliver an extensive package of transport benefits. This would include the improvements to Bat and Ball junction that would deliver benefits to highways movements in the vicinity of the site, in an area well known for congestion and delays. The works would result in enhancements traffic flows and in air quality that would benefit the existing and new community and support wider growth.
- 540 In conjunction with this, the development would deliver a wide package of enhancements to connectivity in the area, including a new principal east-west cycle link through the site responding to priorities within the Sevenoaks Urban Area Local Cycling and Walking Infrastructure Plan, and pedestrian and cycle connections along Bat and Ball Road and to Kemsing. The development would incorporate a network of other walking routes, and deliver upgrades to Public Rights of Way within and in the vicinity of the site, enhancing connectivity.
- 541 The Travel Plan and sustainable transport measures would deliver a number of benefits, including the provision of a new car club facility.
- 542 Overall, and having particular regard to the proposed Bat and Ball roundabout, and the resultant benefits to traffic congestion and air quality, significant weight is afforded to this benefit.

Education

- 543 The development would deliver land for a two-form entry primary school that would support delivery of school places to meet the needs of the new population of the development, and of the wider community. I would attach moderate weight to this benefit.

Economic Benefits

- 544 Economic benefits are identified above and include the creation of 823 direct construction jobs and a further 24.6 jobs per year indirect impacts. On completion, the non-residential uses would generate approximately 123 direct jobs, compared to the existing number of employees at the Quarry of 29. The new population would also generate additional spending in the area, which supports the local economy. Job creation and economic benefits are given moderate weight.

Conclusion on Very Special Circumstances

- 545 The case for very special circumstances, considered as a whole, is concluded to clearly outweigh the substantial harm arising from inappropriate development in the Green Belt, and the other harms

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identified above. It is therefore consistent with Green Belt policy set out within the NPPF.

### Planning Balance and Conclusion

- 546 In accordance with section 38(6) of the 2004 Act, this application must be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.
- 547 In policy terms, it is accepted that the application proposal would be inappropriate development in the Green Belt, and that the proposal would have an adverse impact on the openness of the Green Belt. It would cause limited harm to one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment when compared to the restoration masterplan. The Framework makes it clear that substantial weight should be attached to this harm, and any other harm, and that planning permission should not be granted except in very special circumstances.
- 548 Although substantial weight has to be given to the harms to Green Belt, it is considered that that this would be clearly outweighed by the significant and in some regards unique benefits of the application proposal, as detailed above. Overall, it is concluded that the benefits (the 'very special circumstances') would clearly outweigh the harm to the Green Belt, and other identified harms, namely amenity and landscape, including in views from the AONB.
- 549 Of particular importance, very significant weight must be given to the delivery of new housing in the District, for which there is an ongoing and significant shortfall.
- 550 While there is some conflict with locational policies in this respect (CS Policies LO1 and LO8), these policies cannot be considered entirely up to date in relation to the NPPF, given their failure to deliver sufficient housing to meet identified needs for housing. The proposal would be delivered in a highly sustainable location, well connected to the Sevenoaks Urban Area and to transport connections, which would be improved as a result of the development. The delivery of new housing through a substantial extension to an existing town is recognised by the NPPF (paragraph 73) as an effective, sustainable way of securing the supply of large numbers of new homes. This has been recognised in both the previous Submission Draft Local Plan 2018 and the emerging Local Plan 2040, based on evidence of the role of Sevenoaks Quarry as weakly performing Green Belt, and the potential of the site to deliver a sustainable urban extension. This is also recognised in the STNP.
- 551 In addition to the above, the development would deliver substantial community benefits, in the form of sporting and recreational facilities, open space and community uses and services. Taken as a whole, the development would respond to the three overarching objectives of sustainable development - economic, social and environmental. It would support the creation of a strong, vibrant and healthy community in its mix of uses and

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spaces. In this regard, it would achieve the objectives of the draft STNP for the site.

- 552 The development would achieve of quality, landscape-led design. Appropriate scale and density would be achieved, that would both allow for the efficient use of land, whilst also safeguarding two-thirds of the site as green and blue open space - for recreation and sporting opportunities, habitat creation, and structural landscaping. This is secured within the outline Parameter Plan and Design Principles, and would be further detailed in future through a Site Wide Design Code and subsequently through reserved matters applications.
- 553 The development would have no adverse impact on matters of ecological or nature conservation interest but would, instead, result in a net benefit for biodiversity. While there is some conflict with Policy EN5 for the protection of landscape, landscape and visual impacts would be mitigated through the integration of substantial structural landscaping and careful control, in future, of design details.
- 554 In traffic and transport terms, it is acknowledged that there would be increased traffic on the local highway network; the delivery of a new Bat and Ball roundabout would, nonetheless, secure important enhancements for traffic movements and air quality within an Air Quality Management Area. This would both allow the traffic generated by the development to be successfully integrated in the wider network, but offer wider benefits to local residents and support future development.
- 555 There would be a noticeable change in use of local roads in the Greatness area serving the secondary access. The amenity impacts resulting from this increase are, however, considered to be within acceptable limits and may be further reduced with the encouragement of sustainable transport measures and design strategies to discourage use of the Farm Road access. The impact of development would, in any event, amount to a less than 'severe' impact on the highway in terms of its assessment under NPPF paragraph 111.
- 556 Applying the NPPF's presumption in favour of sustainable development, as set out in paragraph 11(d) of the NPPF, it is considered that:
- The application of policies in the Framework that protect areas or assets of particular importance (which would include Green Belt, AONBs and Ancient Woodland) would not, in this instance, provide a clear reason for refusing the development;
  - There are no adverse impacts resulting from the development that would significantly and demonstrably outweigh the benefits of the development.
- 557 Under the terms of paragraph 11 of the NPPF, planning permission should be granted. As detailed above, there are no clear grounds for refusing the application, when the planning balance and case of very special circumstances has been applied.



- 558 It is recommended that the application be approved and 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;
  - b) The conditions set out above; and
  - c) Resolution of the detail of the legal agreement summarised above.

**Background papers**

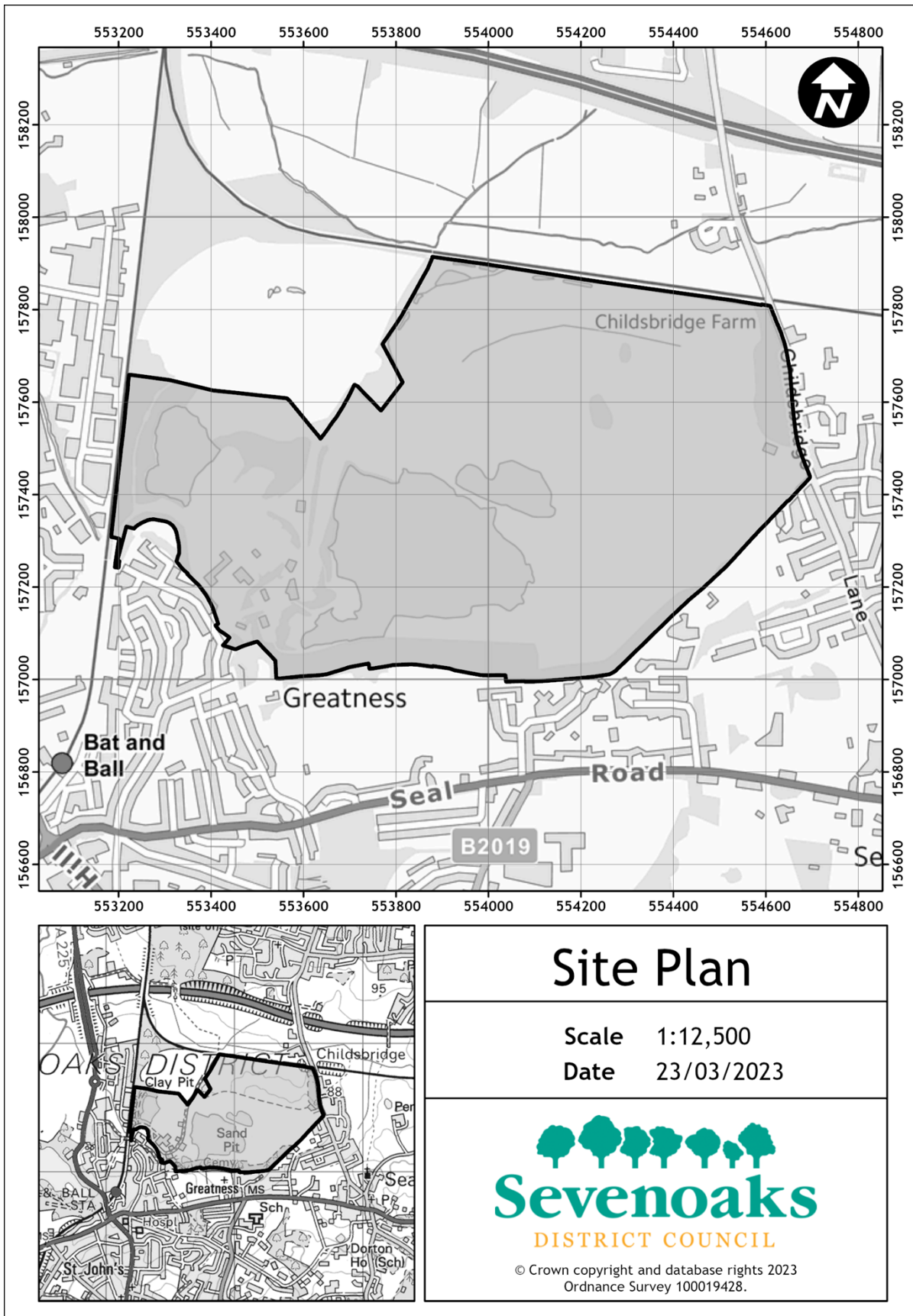
Site and block plan

Contact Officer(s): Nicola Furlonger 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

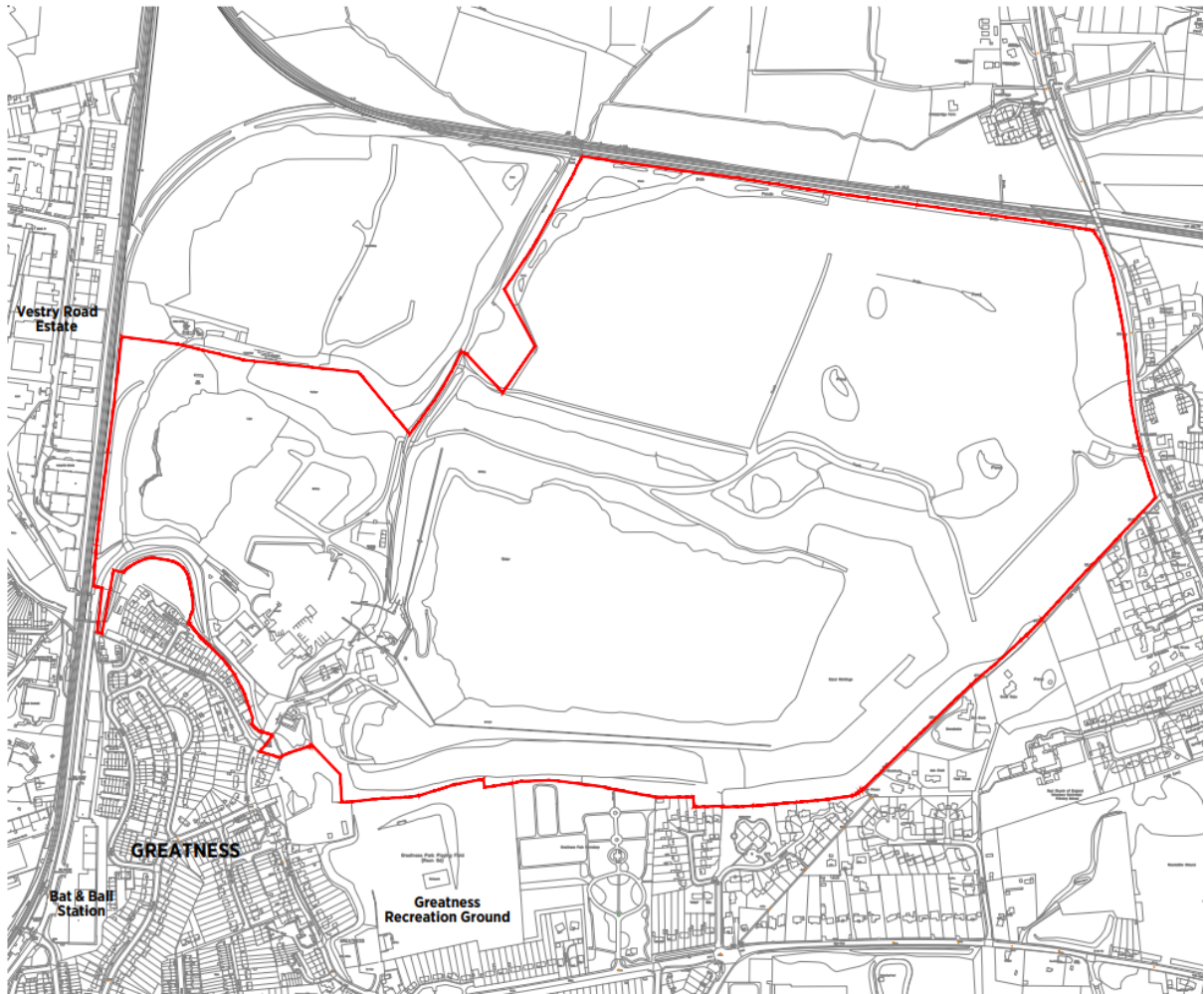
Scale 1:12,500

Date 23/03/2023



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Ordnance Survey 100019428.

SITE BOUNDARY PLAN



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4.2 22/02053/FUL

Revised expiry date 5 June 2023

Proposal: Change of use of the land for the stationing of 3 touring caravans for occupation by an extended Romany Gypsy family

Location: Plot 4, Grazing Land South Of Viaduct Terrace, Horton Road South Darenth Kent

Ward(s): Farningham, Horton Kirby & South Darenth

**Item for decision**

This application has been called to Committee by Councillor Ball due to concerns about the impact on the Green Belt, the impact on the amenities of neighbouring properties and the village hall opposite, and the case for very special circumstances put forward by the applicant.

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

1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites 2015 (or its equivalent in replacement national policy if applicable).

To ensure the development meets an identified need, and as this contributes to the Very Special Circumstances of this case.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Drawing No. 002 Rev C, 003 Rev C, 004 Rev C.

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

3) There shall be no more than three touring caravans stationed on the site at any time (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended), and the touring caravans shall be in the locations shown on the approved plan (drawing no. 002 revision C). No static caravans shall be sited on the land and no other buildings or structures shall be placed on the land without the benefit of further planning permission.

To preserve the openness of the Green Belt and the character of the area and to ensure that air flow beneath structures in use on the land is maintained. To comply with policy SP6 of the Sevenoaks Core Strategy, policy EN1, EN2 and GB6 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

4) No commercial activities shall take place on the land, including the storage of materials and commercial vehicles.

To preserve the openness of the Green Belt, the visual amenities of the area, and residential amenities. To comply with policies EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

5) No external lighting shall be installed on the site or affixed to any buildings or structures on the site until details of the proposed lighting have first been submitted to and approved in writing by the local planning authority. The submission of the details shall include the proposed location, height and design of the lighting and measures to reduce light spillage and intensity of illumination. The external lighting shall be installed only in accordance with the approved details.

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

6) The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated November 2021 and completed by UNDA) and the mitigation measures it details.

To reduce the risk of flooding to the proposed development and future occupants, to comply with policy SP6 of the Sevenoaks Core Strategy, policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

7) When installing utilities or when undertaking other excavations, a clean cap of at least 1 metre in depth shall be maintained and protected at all times.

In the interests of pollution prevention and safety, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

8) The land shall not be used for growing home produce.

In the interests of pollution prevention and safety and to protect the amenities of residents, in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

9) Within three months of the date of this decision, full details of hard and soft landscaping across the site shall be submitted to and approved in writing by the Local Planning Authority. All soft landscaping shall be implemented not later than the first planting season following their approval. All hard surfaces shall be laid in accordance with the approved details within three months of their approval.

To preserve the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) Within three months of the date of this decision, details of ecological enhancements for the site shall be submitted to and approved in writing by the Local Planning Authority. Those enhancements shall be carried out in accordance with the approved details within three months of their approval.

To ensure the development delivers ecological enhancements in accordance with policy SP11 of the Sevenoaks Core Strategy.

**National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

**Description of site**

- 1 The site comprises of a parcel of land located on the western side of Horton Road within the parish of South Darenth. The site is located on a former landfill.

**Description of proposal**

- 2 Change of use of the land for the stationing of 3 touring caravans for occupation by an extended Romany Gypsy family. The application is retrospective.
- 3 In 2009, an appeal against an enforcement notice and 08/00275/FUL, for the change of use of the land as a private gypsy caravan site, was dismissed. It was considered that the case for very special circumstances put forward by the applicant would not clearly outweigh the harm to the Green Belt, the landscape character of the area and flood risks.
- 4 It is important to note that there have been significant changes in local and national planning policies since the appeal decision. The decision pre-dates the adoption of the Sevenoaks Core Strategy, the Sevenoaks Allocations and Development Management Plan, the National Planning Policy Framework and Planning Policy for Traveller Sites.
- 5 Planning permission was granted in 2017 for the erection of a stable building on the site for personal use only.

**Relevant planning history**

- 6 88/01181/HIST Single storey single horse stable - GRANT 18/04/1989
- 7 01/01456/FUL Proposed stables and tack room - REFUSE 09/10/2001
- 8 08/00275/FUL Use of land as a private Gypsy caravan site for a single family - REFUSE & APPEAL DIMISSED 31/03/2008
- 9 17/01282/FUL Erection of 3 Stables and 1 Tack Room - REFUSE 03/07/2017
- 10 17/02656/FUL Erection of 3 stables and 1 tack room - GRANT 30/11/2017

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### Policies

#### 11 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; 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.

#### 12 Planning Policy for Traveller Sites (PPTS)

#### 13 Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP6 Provision for Gypsies, Travellers & Travelling Show People
- SP11 Biodiversity

#### 14 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN7 Noise Pollution
- GB6 Siting of Caravans and Mobile Homes in the Green Belt
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of an Electric Vehicle Charging Point

#### 15 Other:

- Development in the Green Belt Supplementary Planning Document (SPD)



## Constraints

- 16 The following constraints apply:
- Metropolitan Green Belt
  - Area of Archaeological Potential
  - Biodiversity Opportunity Area
  - Flood Zone 2

## Consultations

- 17 Horton Kirby and South Darenth Parish Council:
- 18 Objection. “The land lies within Green Belt. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and its openness. It involves new development outside the confines of the village. The land lies within Special Landscape Area and would fail to give long-term protection to the landscape and would detract from the character and appearance of the area. The site is at significant risk of flooding. The occupants would be highly vulnerable as the accommodation would be caravans.
- 19 The proposal could also increase the risk of flooding elsewhere. There is no evidence that the proposal has demonstrated the site is safe for residential occupation given the risk of contaminated land. There is no evidence that the proposed access has acceptable visual amenity or highway safety.
- 20 No very special circumstances have been put forward which outweigh the harm caused.
- 21 We object to the planning application and recommend that the application be refused.
- 22 This planning application should be indicated as ‘retrospective’ as two caravans have been on the site since the weekend of 30/31st July 2022.
- 23 Planning application SE/17/02656/FUL erection of 3 stables and 1 tack room. Proposed block plans (attached) were for 2 parking spaces: Discharge of Conditions May 2020 James Barron BA(Hons) DipTP MTRPI Condition 5: Landscaping. No addition soft landscaping is proposed and not considered necessary.
- 24 The eastern boundary fronting Horton Road has a well-established indigenous hedge of hawthorn and blackthorn in excess of 2m in height across the whole site frontage and completely screens the site. The stable yard that occupies the front third of the site has natural fencing to the northern a southern boundaries which adjoining open grazing fields,. The western boundary of the yard area is marked by close boarded fencing separating it from the grazing paddocks leading down to the river which has numerous mature trees. These provide sufficient biodiversity and encourage fauna to the site.

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- 25 The above clearly states that no additional 'soft landscaping' was proposed yet work to almost double the size of the 'driveway and continue into the second field began as early as February 2021 which was in breach of the granted application.

### Enforcement case

- 26 20/00100/BRCN
- 27 2.4 The site has been owned by the Knowles Family and was subject of an application by the applicant's father in 2008(08/00275/FUL) for the use of the land as a private gypsy caravan site for a single family for himself, wife and 4 children. This was refused by the Council on 30 March 2008 primarily on Green Belt and Flood Risk reasons and an Enforcement Notice was issued.
- 28 There is no evidence to suggest that the refusal reason in 2008 should now be changed.
- 29 2.4 She (the inspector) accepted the educational needs of the family with Jason, the current applicant, then being 12, and his siblings Billy 10 and Elias 4. There are no educational needs for the family presently
- 30 2.5 dismissed the appeal largely on inappropriate development in the Green Belt but primarily on the basis that the site was located in a Flood Zone 3A area and that there were strong environmental reasons for dismissing the appeals.
- 31 The flood zone location has not changed. The site was previously used as landfill and the environmental reasons are still evident.
- 32 2.8 three large touring caravans
- 33 No evidence that the caravans will be 'touring' see 4.11 which states that they are 'static' caravans.
- 34 2.8 flood risk has resided
- 35 No evidence from environmental agency that states this is true. The site is situated in Green Belt.
- 36 3.1 Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires that, when issuing a decision, councils must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
- 37 Local Authority cannot change the fact that the land is in Green Belt and is a flood risk.
- 38 3.3 sustainable development

- 39 Definition of sustainable is 'able to be maintained at a certain level' In order to maintain the Green Belt no change of use of land can be approved.
- 40 3.5 (brownfield land) and the development of underutilised land
- 41 The site is not brownfield it is Green Belt and is not underutilised as the land is currently used for horses.
- 42 3.6 high quality buildings and that good design is a key aspect of sustainable development
- 43 Can caravans be established as 'high quality buildings?' and not in keeping with the cottages close by.
- 44 3.6 will function well and add to the overall quality of the area
- 45 The proposed planning application shows no evidence that adds to the overall quality of the area that is open space and situated in Green Belt.
- 46 3.6 are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 47 The landscape currently is open space and cottages, and the proposed planning application shows no evidence that it will be visually attractive in this area.
- 48 3.6 promote health and wellbeing with a high standard of amenity for existing and future users.
- 49 Site sits in former Landfill site and flood area and there may be consequences for the rest of the village if the land was built on - health and wellbeing would therefore be in jeopardy for the family and the village as a whole.
- 50 3.8 As the application site lies within the Metropolitan Green Belt, NPPF Green Belt policies will apply...prevent urban sprawl by keeping land permanently open...to prevent neighbouring towns merging into one another
- 51 Site sits within Green Belt and any building works would go against policies.
- 52 3.9 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 53 No evidence in application of very special circumstances.
- 54 3.10 '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.
- 55 No evidence in application that any very special circumstances exist and therefore the potential harm to the Green Belt is not outweighed.
- 56 3.11 Whilst the construction of new buildings in the Green Belt is considered

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inappropriate, Paragraph 145 lists exceptions, with one of them being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

- 57 The buildings are not being replaced in the same use as already on the site. Stables are being replaced by caravans.
- 58 4.4 other family sites
- 59 Mention of other family sites indicates that there may be alternative sites that the family could site their caravans.
- 60 4.4 last three years it has been difficult to find a permanent home...
- 61 The family left the existing site over 14 years ago. No evidence put forward to explain where they have been staying for the 11 years previous to the onset of Covid. Indicates there may be alternative sites for the family to site their caravans.
- 62 4.6 It is understood that a Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in 2017 (showed a need for pitches of) 5 between now and 2035 due to the grant of permanent permissions across the District since April 2017
- 63 States that only 5 pitches are needed in the area by 2035. This small site would accommodate 3 of these pitches which evidences that this is not a need demand.
- 64 4.6 question is whether the site is considered as a single family pitch or as 3 pitches
- 66 Definition: site = the area, pitch = caravan - therefore 3 pitches see 4.9 'caravan site licence requirements for spacing and separation.
- 67 4.7 PPTS advises that new traveller development in open countryside away from existing settlements should be very strictly controlled. The site is located outside of the urban confines, with the nearest settlement containing services being South Darenth and Sutton at Hone to the south.
- 68 See 4.1 indicates contradiction to:  
It is our contention that the main considerations for this development are:  
a) The status of the occupants of the site in relation to the NPPF and Sevenoaks policy for traveller sites SPD and Core Strategy Policy SP6 b) The suitability of the site and any environmental impacts c) Inappropriate development in the Green Belt and impact on openness
- 69 4.8 The PPTS requires that, in providing sustainable sites, local authorities should consider the ability of such sites to provide a settled base that reduces the need for long-distance travelling
- 70 The proposal consists of elderly mother and young children and families who will need health care and education in the not-too distant future.

- 71 4.11 It is acknowledged that the site is within Flood Zone... susceptible to flooding... medium risk of fluvial flooding...potential flood levels of up to 0.35m...
- 72 Clear evidence of flood risk to young families and not safe environment to site caravans.
- 73 4.12 The site is not located within a designated settlement boundary
- 74 Evidence that site in an inappropriate development in the Green Belt.
- 75 4.12 The principle of the use of the site for the stationing of touring Caravans Contradicts 4.11 clearly states static caravans.
- 76 4.13 NPPF supports the protection of the Green Belt and seeks to restrict development with Paragraph 138 stating that one of the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.
- 77 NPPF clearly states regulations of protection of the Green Belt and this proposal should not be approved
- 78 4.14 building will be well integrated within the site and its landscaped boundaries and will not be visible from any vantage point that the public have any access to.
- 79 The site is surrounded by open land and can be seen very easily.
- 80 4.15 general presumption against inappropriate development in the Green Belt in the Council's policies...unmet need for gypsy and travellers within the district..... We regard this as a very special circumstance.
- 81 The only point from the proposal for 'very special circumstance' is the 'unmet need for gypsy and travellers within the district' this can be counteracted by 4.6 which states that only 5 pitches in the area are needed for the next 13-year period. This, therefore, cannot be said to be a 'very special circumstance'.
- 82 4.17 remoteness of
- 83 This contradicts comments in 4.7
- 84 4.18 Policy EN1 of the ADMP states that satisfactory means of access and adequate parking should be provided with all development...Whilst the proposal would see a material increase in traffic to the site Horton Road becomes very busy when the M25 is held up and an extra 5 vehicles would add to the village traffic problems.
- 85 The site entrance is not clearly visible from the road and would not be safe for family vehicles to come in and out of the site. It is noted that there has been 1 witnessed incident of a car colliding with a white truck travelling

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along Horton Road towards South Darenth which had slowed to enter plot 4 this summer.

- 86 5.1 provision of a permanent base for an extended traveller family who are currently split and share plots...They have been looking for an authorised site of their own but there are no vacancies on any sites and the waiting lists are extensive
- 87 No evidence provided of how long the waiting lists are and how long the family have been on the list and the reasons given for not being offered a site. No evidence provided of where the family have been sited over the last 14 years since the previous application was refused.
- 88 See attached Gypsy and Traveller Pitch Allocation Policy 2012 which shows that family would meet criteria for pitch allocation and should be offered alternative site.”
- 89 SDC Travellers Liaison Officer:  
No response received.
- 90 SDC Environmental Health:
- 91 “Whilst this site is located on a former landfill, investigations undertaken previously indicate that there is a clean cap of at least 1 meter in depth and no gas emissions were detected. Given that this proposed development is for the installation of 3 touring caravans, it is very unlikely that if ground gasses were present that they would be able to accumulate given the clearance of the home to the ground surface.
- 92 I therefore conclude that there is no significant risk to the proposed development from the potential contamination. Should you be minded to grant this application, it would be appropriate to add a conditions which achieve the following:
- ensure the protection of the capping layer when installing utilities or when undertaking other excavations,
  - control the use of the land for growing home produce.
  - ensure that air flow beneath structures in use on the land is maintained (i.e. that the structures remain touring caravans).”
- 93 Environment Agency:
- 94 “We have no objections to this proposal, but recommend the following condition is included.
- 95 Condition:  
The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ref.no. 91191-BES-HortonRd/ version V1.0

301121, dated November 2021 completed by UNDA, and the mitigation measures it details.

96 Reason(s):

To reduce the risk of flooding to the proposed development and future occupants.

97 We confirm that the site lies within the outline of Flood Zone 2 which is land defined in the planning practice guidance as being at risk of flooding.

98 The previous appeal, and the assessment of flood risk for this site, has been made in 2008/2009 based on the modelled data provided by the River Darent model, completed by Royal Haskoning in 2004, which located this site as being in Flood Zone 3a. Those modelled data were the best available data used to assess the flood risk at that time.

99 Since then, we have updated our modelling for the River Darent.

100 The River Darent & Cray 2018 modelling study, completed by JBA, is the most up to date available data and the flood zones have been updated accordingly.

101 Previous modelling in the catchment was believed to overestimate flood extents, particularly at low return periods. New geo data (LIDAR and ground survey) and evidence from the recent flood events have justified the update of the modelling and have been incorporated in the River Darent & Cray 2018 modelling study.

102 We have reviewed the submitted Flood Risk Assessment (FRA) ref. no. 91191-BESHortonRd/ version V1.0 301121, dated November 2021 completed by UNDA as support for planning application ref. no. 22/02053/FUL. According to our modelling record data the proposed development site lies outside of the modelled 1:100 years and 1:100 years 25% climate change flood extents. However, it would be reasonable to request that the Local Authority list the FRA as an approved document, to which the development must adhere in order to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere. Hence, we have suggested the condition above.”

103 National Grid Plant Protection:

No response received.

### Representations

104 We have received 14 letter of objection relating to the following issues:

- Traffic
- Impact on Highways Safety
- Pollution
- Noise, smells and disturbance
- Not in keeping with the historical village

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- Impact on the conservation area
- Impact on the Green Belt
- Impact on AONB
- Flooding
- Contamination

### Chief Planning Officer's appraisal

105 The main planning consideration are:

- Status of the applicant
- Principle of development
- Impact on the Green Belt
- Design and impact on the character of the area
- Impact on residential amenities
- Parking and highways
- Trees, Landscaping and Biodiversity
- Flooding

### Status of the applicant

106 The definition of gypsies and travellers is set out in the annexe to Planning Policy for Traveller Sites (PPTS) 2015. This states that for the purposes of the PPTS, “gypsies and travellers” means:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.’

107 The PPTS adds that, in determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) whether they previously led a nomadic habit of life

b) the reasons for ceasing their nomadic habit of life

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances

108 The applicant has completed the Council’s Validation check list and confirmed that

109 Gypsy status is being sought on the application. The information on the form and within the submitted Planning Statement, tell us the following information about the family which propose to occupy the site:



- The applicant, Jason Knowles, works locally as a landscaper and horse breeder. His wife Savannah is currently unemployed (they will occupy caravan 1).
- Amy and her youngest son Elias would occupy Caravan 2. Elias is a landscaper and horse trader.
- The other occupier would be Billy Knowles who undertakes tree and gardening work and is a horse trader. He would occupy Caravan 3 with his wife Roseanne and their 1yr old son.
- The applicant and his extended family have no intention of stopping travelling.
- The site would be used by the family as a permanent base however they would continue to travel to traditional gypsy fairs and traveller meets.

110 In light of the above information, I am satisfied that the intended occupants have a nomadic way of life. I am therefore satisfied that the intended occupants are Gypsies and Travellers under the definition contained in the PPTS.

### **Principle of development**

111 The principle of the development will be established by all the considerations addressed in this report. However, it is relevant to consider the proposals in light of policy SP6 of the Sevenoaks Core Strategy which contains the criteria that would be taken into account for gypsy and traveller site allocations. These are as follows:

- a. the site should be located within or close to existing settlements with a range of services and facilities and access to public transport;
- b. the site is of a scale appropriate to accommodate the facilities required and will offer an acceptable living environment for future occupants in terms of noise and air quality;
- c. safe and convenient vehicular and pedestrian access can be provided to the site;
- d. the site is not located within an area liable to flood;
- e. the development will have no significant adverse landscape or biodiversity impact. In the AONBs, sites should only be allocated where it can be demonstrated that the objectives of the designation will not be compromised;
- f. alternatives should be explored before Green Belt locations are considered.

112 These issues are considered throughout the assessment below.

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### Impact on the Green Belt

- 113 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, as listed in paragraph 149. Certain other forms of development that are not considered inappropriate are listed in paragraph 150. This includes material changes in the use of the land provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt.
- 114 Paragraph 148 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 115 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 116 The development in question would not fall within any of the exceptions to inappropriate development within the NPPF. It is therefore inappropriate development in the Green Belt. This is confirmed by the PPTS which states at paragraph 16 that “traveller sites (temporary or permanent) are inappropriate development.”
- 117 In considering the impact on the Green Belt, it is also relevant to consider the impact of the proposals on the openness of the Green Belt. Openness has both a spatial and visual dimension. How the built form manifests itself on site can also have an impact on openness.
- 118 Having carried out a site visit, it is understood that the land is already in use for the purposes described in the application. However, aerial photography suggests that, historically, the site was open and devoid of any built form. Stables were erected on the site along the northern boundary following the grant of planning permission in 2017. However, aerial photography suggests that the rest of the site remained open with only the stable building evident.
- 119 The proposals would see the introduction of additional built form and structures to the site, including caravans, hard surfaces, boundary treatments and paraphernalia associated with the change of use of the land. The proposed site plan shows that these items would be spread across the site and would encroach towards the open land beyond.
- 120 In this regard, the proposals would diminish the previous open nature of the site and would cause harm to the openness of the Green Belt despite the presence of some screening around the site.
- 121 In summary, it is considered that the proposal would be inappropriate development in the Green Belt by definition and harmful to the openness of the Green Belt, contrary to the NPPF.

- 122 It is relevant that paragraph 16 of the PPTS states “Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”
- 123 The assessment of whether or not there are very special circumstances in this case is considered at the end of this report, after all harms have been identified.

#### **Design and impact on the character of the area**

- 124 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 125 The wider landscape is predominantly rural and verdant in character. The development would result in a change in the character and appearance of the site, moving it from a distinctly rural site to a residential site. The development would be visible from the existing buildings located opposite the site and when approaching the site from the north and south of Horton Road. It is likely that the development would also be visible across the wider area, to the east.
- 126 Despite this, it is acknowledged that the site lies between the existing developments of South Darenth and Horton Kirby. The development would be situated near the existing built forms along Horton Road, immediately opposite the site. The development would also be set back a considerable distance from the road and the existing front boundary treatments would soften the visual impact of the development to some degree.
- 127 Conditions could be imposed to restrict the number and type of caravans on site and any other buildings or structures. A condition could also be imposed for details of any external lighting on the site. This would help to mitigate the visual impact of the development.
- 128 In light of the above, it is my view that the proposed development would not be significantly harmful to the character of the surrounding area or the wider landscape and would not appear unduly prominent or visually intrusive in the street scene.
- 129 The proposal would therefore comply with policy SP1 and SP6 of the Core Strategy and policy EN1 of the ADMP, subject to conditions.

#### **Residential Amenity**

- 130 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 131 Policy EN7 states that proposals will be permitted where a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of

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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.

### Neighbouring properties

- 132 There are no residential properties in close proximity to the site. As such, it is considered that the development would not have a harmful impact on the amenities of residents in regards to light, outlook and privacy. There is no evidence to suggest that the development would result in a significant increase in noise above the existing levels.
- 133 Separate Environmental Health legislation exists outside the Planning System which can assist in enforcing against significant noise disturbance, should it occur.

### Proposed development

- 134 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.
- 135 The future occupants of the site would benefit from a good standard of accommodation. The site is of an adequate scale to accommodate the facilities required.
- 136 It is noted that the site lies on a former land fill. As such, the Council's Environmental Health team were consulted on the proposals for their specialist advice. They have advised that it is very unlikely that if ground gasses were present that they would be able to accumulate given the clearance of the caravans to the ground surface. As such, they consider that there is no significant risk to future occupiers from potential contamination, subject to conditions relating to the protection of the capping layer, control of the use of the land for growing produce and the maintenance of air flow beneath the structures.
- 137 The proposal would therefore comply with policy SP6 of the Core Strategy and policy EN2 and EN7 of the ADMP, subject to conditions.

### Parking and Highways Impact

- 138 Paragraph 111 of the NPPF 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.
- 139 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 140 The proposal would utilise an existing established access onto the site (visible on aerial photography from 2009). Adequate visibility splays would be maintained and there would be ample space on site for the parking and turning of a number of vehicles. As such, the parking and access

arrangements for the proposed development would not cause unacceptable harm to highway or pedestrian safety.

- 141 The proposals may generate some additional traffic arising from the new residential use. However, the cumulative impact of this increase on the local road network is not considered to be significant or severe to justify a refusal under the NPPF.
- 142 In this regard, the proposals are compliant with policy SP6 of the Core Strategy, policy EN1 of the ADMP and the NPPF.

### **Trees, Landscaping and Biodiversity**

- 143 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 144 There are no trees within the site which are covered by a Tree Preservation Order and the proposal would not have an adverse impact on any important trees within the wider area. The site is unlikely to provide a habitat for protected species.
- 145 To enhance the appearance of the site and ensure that the development delivers benefits to biodiversity, full details of both hard and soft landscaping can be secured by a condition, together with ecological enhancements.
- 146 The proposal would therefore comply with policy SP6 and SP11 of the Core Strategy, policy EN1 of the ADMP and the NPPF, subject to conditions.

### **Flooding**

- 147 The site was previously located in Flood Zone 3 but is now located in Flood Zone 2, which has been confirmed by the Environment Agency. Parts of the site are at low risk of flooding from surface water.
- 148 It is acknowledged that 08/00275/FUL, which sought planning permission for the use of the land as a private Gypsy caravan site, was refused and dismissed at appeal, in part, due to flooding issues. The primary concern was the risk to the occupants of the site and the associated demands placed on the emergency services, rather than the development increasing the risk of flooding elsewhere.
- 149 The Inspector's report stated that caravans and mobile homes intended for permanent residential use are highly vulnerable development because the instability of such structures place their occupants at special risk and they are likely to be occupied during periods when flood risk is likely to be higher.
- 150 Since the previous appeal, the NPPF has been introduced which states, under paragraph 167, that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-

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specific flood-risk assessment.

- 151 Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 152 Paragraph 168 states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.
- 153 However, footnote 56 states that for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, the sequential and exception tests should be applied as appropriate.
- 154 Paragraph 13 of the PPTS states Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- 155 The application is accompanied by a Flood Risk Assessment. It states that the flood risk is predominantly fluvial and originates from the River Darent, which is approximately 80m west of the site. According to modelling record data, the site lies outside of the modelled 1:100 years and 1:100 years 25% climate change flood extents. This means that an entirely dry escape route could be provided from the site during a 1:100 year -plus climate change flood event.
- 156 The Assessment goes on to set out mitigation measures, including raising the underside of the caravans to at least 300m above the flood level using axle stands, concrete blocks and packing. Flood proofing will be incorporated as appropriate and the applicant will register with the Environment Agency Floodline Warnings/Alert Direct service.
- 157 The Assessment concludes that with the proposed mitigation measures, the development would be acceptable in flood risk terms.
- 158 The Environment Agency were consulted on the proposals for their specialist advice. Within their comments, they have noted the previous appeal

decision and the previous assessment of the flood risk for the site from 2008/2009. They have advised that previous modelling overestimated flood extents and modelling for the River Darent has since been updated.

- 159 The Environment Agency have reviewed the submitted Flood Risk Assessment and are in agreement with its findings, as set out above. To reduce the risk of flooding to the proposed development and future occupiers, and to prevent flooding elsewhere, they have recommended that the Flood Risk Assessment and the proposed mitigation measures be secured by a condition.
- 160 As a result, it is considered that the proposal would be appropriately flood resistant and resilient and any flood risks could be safely managed/mitigated. The proposal would not increase the risk of flooding elsewhere.
- 161 The proposal would therefore comply with policy SP6 of the Core Strategy and the NPPF, subject to condition.

#### **Conclusions on principle of development in light of policy SP6**

- 162 The proposals can be concluded to be compliant with policy SP6 of the Core Strategy, as summarised below.

a) Suitability of location: The site lies between the existing settlements of South Darenth and Horton Kirby. It is not located in a remote location and access to services and public transport are in walking distance. There is pedestrian access to both settlements via the footpath opposite the site.

b) Living environment and facilities: The arrangements on site provide a suitable living environment and present an appropriate appearance to meet the design quality objectives of policy SP1 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks ADMP.

c) Access: The vehicular access from Horton Road is considered to be safe and convenient. It would be necessary for occupants of the site to use the vehicular access in order to cross the road and use the pedestrian footpath opposite. While this is not an ideal situation, given the likely level of use of the access, it is not considered that this arrangement would cause significant harm to highway or pedestrian safety.

d) Flood risk: It has been demonstrated that the proposal would be appropriately flood resistant and resilient and that any flood risks could be safely managed/mitigated.

e) Townscape, landscape or biodiversity impact: For the reasons already set out within this report, while the development would result in a change in the character and appearance of the site, the impact on the character of the area and the wider landscape would not be significantly harmful. Conditions are recommended to help mitigate the visual impact of the development and ensure that the development delivers benefits to biodiversity.

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f) Availability of alternative non-Green Belt sites: It is accepted by the local planning authority, and in associated appeal decisions, that given the substantial percentage of Green Belt land in the district, new site allocations for gypsies and travellers are extremely likely to be required in the Green Belt. As such, it is not considered that further information is required from the applicant in this regard.

### Assessment of any Very Special Circumstances

163 Para 144 of the NPPF states that when considering any planning application, we 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.

164 The harm in this case has been identified as:

- The harm in principle from inappropriate development in the Green Belt, which must be given significant weight.
- The harm to the openness of the Green Belt which is also given significant weight.

165 The possible very special circumstances advanced by the applicant can be summarised as:

- The site is in accordance with policy SP6 in that it provides for the unmet need for gypsy and traveller sites within the District
- The Council cannot demonstrate an up to date 5 year supply of housing
- The personal circumstances of the applicant and their dependents

166 Compliance with policy SP6:

This consideration does not alter the provision of substantial weight allocated to the Green Belt harms discussed above.

167 Need for gypsy and traveller sites:

Paragraph 27 of the PPTS states that, if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt and other specified protected areas.

168 It is recognised that the Council has an unmet need for gypsy and traveller sites. In recent appeal decisions in the District (such as Little Trees Ref: APP/G2245/C/20/3261584), Inspectors have attached substantial weight to the unmet need and lack of allocated sites. Whilst there has been progress towards addressing the identified shortfall through the grant of planning permissions, it is accepted that the absence of a supply of deliverable sites within an adopted development plan must be afforded substantial weight,



as informed by appeal decisions. Similar weight is also attached to the deficit in housing land supply.

- 169 Given the limited scale of ‘other’ harm I have identified above, and the lack of available sites (alongside the considerations mentioned below), it is considered that a temporary planning permission would not be necessary in this case - rather, if approved, the site should form part of the longer term land available to the gypsy and traveller population. This is afforded significant weight.

**Personal Circumstances:**

- 170 The applicant and his family have strong connections to the area and they live as an extended family. They have a need to live on the site as the applicant’s mother has health issues which are treated under the care of local health services. In addition, there is one young child (the applicant’s nephew) who would benefit from a permanent based to enrol in a local nursery/school and have consistent access to education in the near future. These factors are afforded significant weight.
- 171 Within the Validation checklist submitted alongside the application, the applicant’s planning agent states that, should the applicant and his family be required to leave the site, they would need to resort to staying on unauthorised sites in breach of planning controls. This could have welfare and safety issues for all the family and would be disruptive for education and healthcare.
- 172 The site provides stability and consistent access to medical and education services whilst allowing the family to retain their gypsy culture and nomadic way of life. It would also be in the best interests of the child to remain on the site, which is a primary consideration.

**Conclusion on Very Special Circumstances:**

- 173 In summary, it is considered that the unmet need and personal circumstances in this particular case amount to very special circumstances which clearly outweigh the harm identified. This approach is also in accordance with recent appeal decisions within the District.

**Other issues**

- 174 Area of Archaeological Potential:

The site is located in an area of archaeological potential. Since the proposals would not involve any significant groundworks, the development should not have an adverse impact.

- 175 Parish Council and Public Comments:

- 176 The comments raised by the Parish Council and during public consultation that have not been addressed within this report are considered below.

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### Impact on the conservation area

- 177 The site is not located in close proximity to the South Darent Conservation Area and, as such, it is not considered that the development would have an adverse impact on the setting or views of the conservation area.

### Pollution

- 178 There is no evidence to suggest that the development would result in pollution and the Council's Environmental Health team have not raised any concerns in this regard.
- 179 The site is not brownfield
- 180 The NPPF defines previously developed land (brownfield land) 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; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 181 The site comprises of a stable building which was granted planning permission in 2017. Based on the above definition, which does not exclude equestrian buildings, the site could partially be considered previously developed land.
- 182 Harm to the Special Landscape Area
- 183 There is no longer a designation for Special Landscape Areas.
- 184 Stables are being replaced by caravans
- 185 The submitted drawings indicate that the existing stables on site would be retained.
- 186 No evidence that the caravans will be 'touring'. They are 'static' caravans.
- 187 The description of development refers to the stationing of three touring caravans only and this is demonstrated on the submitted plans. In my view, static caravans would be likely result in a different character of development. Furthermore, they would be likely to cause greater harm to the openness of the Green Belt than touring caravans due to their overall scale, size and height and the residential paraphernalia associated with the static caravans, such as additional hard landscaping. A condition is therefore recommend to restrict the site to three touring caravans only.

Human Rights:

188 Paragraph 3 of the Government's Planning Policy for Traveller Sites provides that:-

“The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”

189 When considering an application for planning permission for the use of land as a residential gypsy/traveller site, we need to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence.

190 Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential gypsy/traveller sites, irrespective of whether the applicants are occupying the site as their home at the time the application is made.

191 Article 8(1) is a qualified right. Article 8(2) of the ECHR allows interference by a public authority with the right to respect where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others.

192 To refuse permission could represent an interference with the rights of the intended occupants under Article 8 of the Human Rights; this interference must be weighed against the wider public interest.

193 The assessment above demonstrates harm, which could be considered to be against the wider public interest. However, given the lack of available sites to accommodate the gypsy and traveller community, as well as the personal circumstances described above, the need to protect the occupants' rights under the ECHR must be given some weight in favour of the application.

Public Sector Equality Duty:

194 Due regard is required to the public sector equality duty (PSED) under Section 149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas

## Agenda Item 4.2

where they are underrepresented) of people with a protected characteristic(s);

- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding;
- The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation;

195 The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve a specific outcome. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:

- The importance of the decision and the severity of the impact on the Council's ability to meet its PSED;
- The likelihood of discriminatory effect or that it could eliminate existing discrimination.

196 In this regard, I have attached weight to the need to protect the nomadic way of life of the gypsy and traveller community in my consideration.

### Planning balance

197 As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is relevant. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

### Community Infrastructure Levy (CIL)

198 This proposal is not CIL liable.

### Conclusion

199 The case for very special circumstances would clearly outweigh the harm to the Green Belt and, in every other respect, the proposal would be an acceptable form of development that complies with local and national policies, subject to the recommended conditions.

200 It is therefore recommended that this application is GRANTED.

### Background papers

Site and block plan

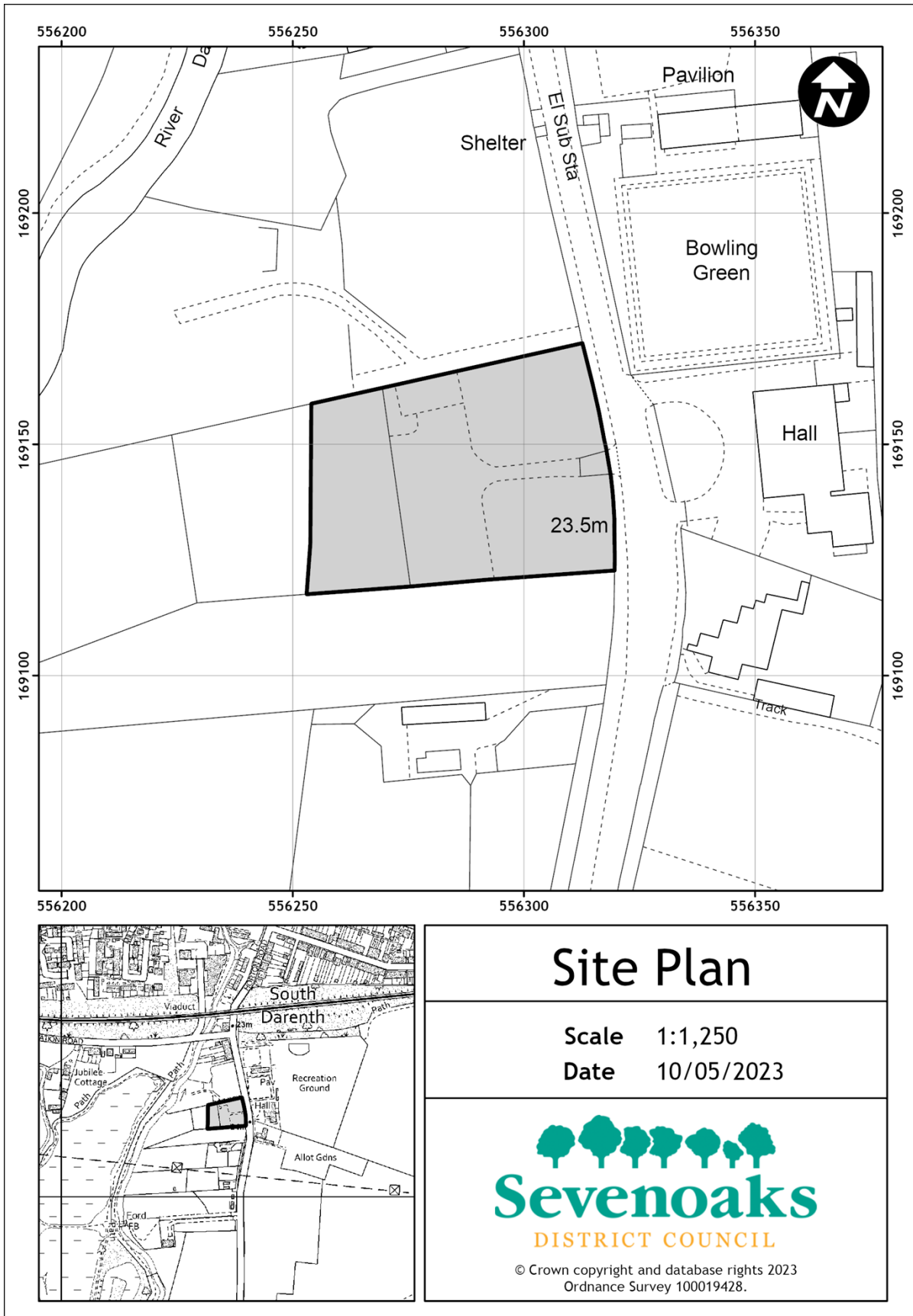
Contact Officer(s):

Hayley Nixon: 01732 227000

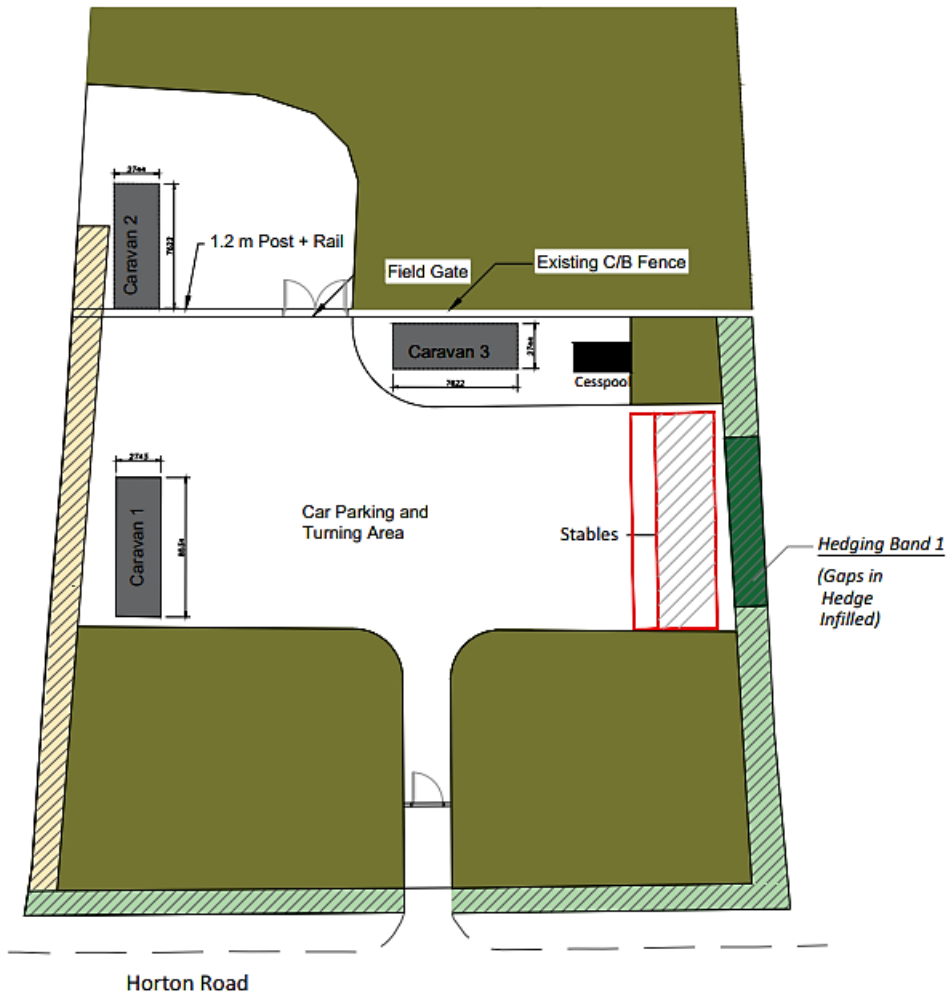
**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



Proposed Site Plan 1:200



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4.3 22/01134/FUL Revised expiry date 3 April 2023

Proposal: Convert and reconfigure an existing agricultural barn into stables, tack room and hay store. Construct a new private sand school for home and personal use.

Location: Coles Farm, Bore Place Road, Chiddingstone Edenbridge Kent TN8 7AP

Ward(s): Leigh & Chiddingstone Causeway

**Item for decision**

The application has been referred to Development Control Committee by Councillor Silander due to the net loss of biodiversity due to the previous clearing of the application site and the conflicting reports based on designation and location of the SSSI and Impact Risk Zone.

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

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

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

2) The materials to be used in the construction of the external surfaces of the proposed stable/tack room and hay store hereby permitted shall match those used on the existing building. The materials to be used in the construction of the proposed sand school hereby permitted shall match those stated on plan number DHA/16635/12.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: DHA/16635/01, DHA/16635/10, DHA/16635/11, DHA/16635/12, DHA/16635/13.

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

4) No development shall commence until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a 20% net gain in biodiversity within a 30 year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives,

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management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

To ensure the development does not result in a loss of biodiversity to the site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

5) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

To protect the landscaping on the application site, as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) No external lighting or mirrors shall be installed on the site or affixed to any buildings on the site unless the local planning authority has approved in writing details of the position, height, design and measures to control light spillage and intensity of illumination of the lights. Only the approved details shall be installed thereafter.

To protect the biodiversity on the application site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

7) The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed in relation to the host dwelling 'Coles Farm' and shall at no time be used for any business or commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

In the interests of highway safety and to protect the character of the area, openness of the Metropolitan Green Belt and the living conditions of nearby residents in accordance with Policies EN1, EN2 and LT2 of the Sevenoaks Allocations and Development Management Plan.

8) No development shall take place until details of the mitigation measures to protect the adjacent Site of Special Scientific Interest have been submitted to and approved in writing by the Local Planning Authority. Details shall include a detailed design and maintenance demonstrating how the sand will not enter the Site of Special Scientific Interest. The development shall be carried out in accordance with the approved details at all times.

To ensure the protection of the Site of Special Scientific Interest, as supported by Policy SP11 of the Sevenoaks Core Strategy.

9) The proposed development shall be carried out in accordance with the mitigation measures detailed within the submitted Ecological Impact Assessment Report at all times.

To ensure the protection of the Site of Special Scientific Interest, as supported by Policy SP11 of the Sevenoaks Core Strategy.

10) No development shall take place until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details at all times.

To protect the biodiversity on the application site, as supported by Policy SP11 of the Sevenoaks Core Strategy.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

#### **Description of site**

- 1 The application site currently comprises of a detached barn located within the residential curtilage of Coles Farm. The site is located within the parish of Chiddingstone and there are neighbouring properties located to the west of the site and open landscape to the north, east and south.

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### Description of proposal

- 2 Convert and reconfigure an existing agricultural barn into stables, tack room and hay store. Construct a new private sand school for home and personal use.

### Relevant planning history

- 3 06/02148/FUL - Two stables for personal use only - GRANT

### Constraints

- 4 The following constraints apply:
  - Metropolitan Green Belt
  - Listed Building (west of site)
  - Local Wildlife Trust
  - SSSI (north-east of site)
  - Area of Archaeological Potential
  - Flood Zone 2 & 3
  - High risk of surface water

### Policies

- 5 National Planning Policy Framework (NPPF)
- 6 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.
- 7 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; 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.

8 Core Strategy (CS)

- LO1 Distribution of Development
- SP1 Design of New Development and Conservation
- SP11 Biodiversity

9 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- LT2 Equestrian Development
- GB7 Re-use of an existing building

Consultation responses

- 10 **Chiddingstone Parish Council-** No objection to convert barn but strongly objects to the sand school on the grounds of impact upon the SSSI, local wildlife trust, landscape and biodiversity.
- 11 **Environmental Health-** I have now reviewed the materials submitted in support of the above application and have no adverse comment to make.
- 12 **Environmental Health-** No objection.
- 13 **KCC Ecology-** Some justification has been provided regarding the concerns highlighted in our previous advice note. However we still have concerns regarding encroachment upon the statutory designated site buffer-zone, the partial loss of a Local Wildlife site and it remains unclear to us if the exceptionally high biodiversity net-gain score can be achieved. If planning permission is granted we advise that a condition is attached to secure details of net-gain implementation/monitoring as per the proposal within the latest ecology note. We reiterate that our advice assumes that there is no lighting associated with the development and that the material used in the sand school is sand (and not a sand substitute).
- 14 **Natural England-** In addition to the measures recommended by Corylus Ecology in table 3 of the supporting Ecological Impact Assessment, Natural England would also expect suitable worded conditions (should the Council be minded to grant permission) to be appended to any consent to:
- Ensure that natural sand is used for the lifetime of the facility and
  - Require that any habitat creation (either as part of the habitat mitigation/compensation works or biodiversity net gain proposals) should be undertaken using native species of local provenance given the proximity to the designated site.

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- 15 Whilst Natural England has not provided advice in relation to wider biodiversity considerations (including for example protected species, local wildlife sites, priority habitats and species, woodland and biodiversity net gain), the council when determining this application should fully consider these in terms of both the National Planning Policy Framework and your own local plan policies. We recommend that the Council fully considers the comments from other consultees on these matters when reaching your conclusion. For clarity the lack of detailed comments on these matters should not be taken as Natural England endorsing the application nor suggesting that impacts are unlikely to result.
- 16 **Tree Officer-** No objection subject to the inclusion of a tree protection condition.
- 17 **Kent Wildlife Trust-** Whilst we recognise that efforts have been made to address these concerns it should be noted that KWTs objections have not been addressed and we wish to maintain our objection. In order to ascertain the habitats present and their condition on 30<sup>th</sup> January 2020, aerial imagery or data sets from that time could be used. Since then, a letter has been submitted on 2<sup>nd</sup> January 2023 which provides further evidence of the reduced ecological baseline of the site since 30<sup>th</sup> January 2020. These should be a key consideration in the application of Schedule 14 of the Environment Act, when calculating biodiversity net gains and losses on site.
- 18 Of particular concern to KWT continues to be the lack of regard for the protection and enhancement of the Local Wildlife Site and on impacts to the adjacent SSSI.
- 19 **Environment Agency-** no comments.

### Representations

- 20 We received 18 letters of objection and 2 letters of comment relating to the following points:
  - Impact on residential amenity
  - Impact on biodiversity (within an amber risk zone for Greater Crested Newts), SSSI and Kent Wildlife Trust
  - Impact on flooding - site located within a Flood Zone 3
  - Impact on Green Belt and AONB
  - Impact on traffic
  - Noise and lighting concerns
  - Drainage concerns
  - The suggestion of a different location- has not been explored
  - Questions on the use
  - Reliability of the ecological impact assessment, mitigation measures and biodiversity net gain report submitted.
  - Precedent of the development
  - Inclusion of mirrors and the impact of this on biodiversity

- No justification submitted for the proposed location.
- Impact on existing fence
- Impact of construction stage
- Scale, location and material finish of sand school
- Impact on highway
- Inconsistency of Natural England comments
- The points raised within the Natural England, Kent Wildlife Trust and KCC Ecology comments

### **Chief Planning Officer appraisal**

21 The main planning considerations are:

- Impact on the Metropolitan Green Belt
- Impact on the Character of the Area
- Impact on Residential Amenity
- Biodiversity, Local Wildlife Trust and SSSI

### **Impact on the Green Belt**

- 22 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sports, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.
- 23 Paragraph 147 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.
- 24 Paragraph 148 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.
- 25 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

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- 26 Paragraph 150 of the NPPF allows the exception for the change of use of buildings within the Green Belt. Paragraph 150 states:
- “Certain other forms of development are also not appropriate in the Green Belt provided they preserve the openness and do not conflict with the purpose of including land within it. These are:
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 27 Policy GB7 of the ADMP allows the re-use of an existing building within the Green Belt, as long as it meets the following criteria:
- a) The proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area.
- b) The applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.
- 28 Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it is necessary for the applicant to demonstrate that there is no longer an agricultural need for the building or that the building is no longer fit for its agricultural purpose.
- 29 Criteria A of the policy refers to the building being not materially greater than the existing. The building would be slightly greater due to the addition of the feed store, but the development does include the removal of the shed/lean to. Overall, when comparing the development would not be considerably larger than the existing. The proposal includes the addition of a sand school, fencing and a level of hard standing in front of the barn, but these are both low level in design and would not be detrimentally greater in harm to the green belt than the existing development, and therefore complies with this part of the policy. They both respect the openness of the green belt and would not result in any additional built form, other than the fencing, which is to be open in design and would maintain a sense of openness.
- 30 In addition, paragraph 149 c) of the NPPF allows the alteration to a building as long as it does not result in disproportionate additions. Paragraph 150 also allows the “re-use of buildings provided that the buildings are of permanent and substantial construction”. The conversion and the addition of the modest feed store to the existing barn along with the removal of the existing lean-to/shed would not result in a disproportionate addition when compared to the existing. The barn is also already in use and of a permanent nature, capable of being converted.



- 31 The existing building currently comprises of an existing barn located within the ownership of Coles Farm. A site visit was conducted, and it is clear from this that the building is capable of being converted, as supported by the structural report submitted by the applicant therefore complies with criteria B of the policy.
- 32 The policy also refers to whether the building had been on site less than 10 years. When reviewing the aerial photography for the site, the barn has been on site for over 10 years.
- 33 The provision of a sand school is an appropriate form of development in the green belt, as it relates to open recreational activities, which will not harm the openness or function of the green belt.
- 34 Therefore the proposed development complies with policy GB7 of the ADMP and the green belt criteria within the NPPF.

#### Equestrian Development

- 35 Local policy LT2 of the ADMP allows the addition of equestrian buildings, facilities and activities if it meets the following criteria:
- a) Buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings and other groups of other buildings that are well screened from the public view.
  - b) For proposals that involve new facilities for the keeping of horses, sufficient grazing land and off-road riding areas would be available and would not harm the amenities of surrounding residents.
  - c) The proposal would not have an unacceptable impact on the water environment and sewage disposal and
  - d) The development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.
- 36 Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact on other buildings, does not harm the openness of the Green Belt. Where stable or associated equestrian buildings are proposed they should be of a size and degree of permanence that they could be adapted for other use in the future.
- 37 The proposed development does not include the addition of any buildings to accommodate the equestrian development. The development is to convert an existing barn to accommodate the stables. There is a small extension to the barn to accommodate the feed store, but this would be minimal. The development also includes the loss of the existing lean-to/shed and overall, the development would therefore not result in a disproportionate addition (6.7m<sup>2</sup> greater than the lean-to/shed).
- 38 The development does include the addition of a sand school, which is to be located to the east of the proposed stables, in support of criteria a). In

## Agenda Item 4.3

addition to this, due to the large level of boundary treatment, which surrounds the site, the development would be significantly vegetated from the wider public realm. The site itself is of a large scale and sufficient outdoor grazing land along with a sufficient sized sand school would be available for the horses, in line with criteria b). There are also no neighbours in close proximity to the proposed development.

- 39 The site does sit within a Flood zone 2 & 3 and has a high risk of surface water flooding. But Environment Agency were consulted and raised no concerns in relation to the proposed development. In addition to this, the building already exists and is in use and the addition of the modest extension would result in no additional impact to the site, along with the addition of the sand school, which is of a low-level design, in support of criteria c).
- 40 Criteria d) refers to the impact on the landscape and the ecological value of the site. It is acknowledged that the development would result in a loss of wildlife to the site and the location in which the sand school is located in currently an open field. However, there is intended to be a biodiversity net gain and this will be ensured that this is met through the inclusion of a condition. More detailed assessment of this matter follow later in the report.
- 41 Although the land in which the sand school is located in an open field, the sand school proposed is to be in close proximity to the existing built form on the site and due to its low level design and being surrounded by both the existing built form present at Coles Farm and the boundary treatment, the development would not encroach into the openness of the area, and would not detrimentally harm the openness of the Green Belt.
- 42 The development complies with the relevant local and national policies.

### **Design and impact on the character of the area**

- 43 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 44 The application site is located within a rural location, where residential units are present. Due to the location of the site and the surrounding vegetation, the development would be minimally visible from the public realm. The development if visible due to the rural location would respect this and would not appear out of keeping in this location.
- 45 The proposed development includes the conversion of an existing barn. There is to be the addition of a modest addition to accommodate the feed store, with the removal of the existing lean-to/shed. This would be a modest addition to the site, and due to the scale of the plot the building would continue to sit comfortably on the site and would not appear as an

overdevelopment. The development is to include a level of hard standing to the front of the proposed converted building, but this would be minimal and would be in keeping, with the existing hardstanding, which is already present on the site.

- 46 The sand school is to be located on an existing open parcel of land, within the ownership of Coles Farm. It would be in close proximity to the proposed stables and would be shielded by a level of vegetation, which surrounds the open field. The sand school would be low level in design and due to the scale of the field would sit comfortably and would not be overbearing in design and scale.
- 47 The proposed materials are to remain as the existing and therefore the character of the building in relation to the material finish would be unaltered. The materials of the sand school are expected of equestrian development and would comprise of a sand finish with post and rail fencing, which would respect the character of both the application and wider rural area.
- 48 The proposal complies with Policy EN1 of the ADMP.

#### **Neighbouring Amenity**

- 49 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 50 The site is surrounded by open landscape and neighbours, which are located at a significant distance from the application site. The closest neighbour is located at over 30 metres from the barn, which is being converted and further from the proposed sand school. Therefore, the residential amenity would not be detrimentally harmed by the development.
- 51 The proposal complies with Policy EN2 of the ADMP.

#### **Landscaping**

- 52 The Tree Officer was consulted on the scheme and although there are no protected trees but there is a row of trees, in which the Tree Officer believes should be protected during construction works and this matter will be controlled by condition.

#### **Biodiversity, SSSI and Kent Wildlife Trust**

- 53 Policy SP11 of the Core Strategy states that the biodiversity of the district will be conserved, and opportunities sought for enhancements to ensure no net loss of biodiversity.

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- 54 The application site itself is located within a Local Wildlife Trust and borders a SSSI.

### Site of Special Scientific Interest (SSSI)

- 55 Given that the sand school lies within close proximity of a SSSI, paragraph 178 of the NPPF is relevant:

“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.”

- 56 It is fully acknowledged that the proposal could have an impact upon the neighbouring SSSI. However following the submission of a mitigation report and the implementation further mitigation, Natural England raise no objection as the impact upon the SSSI, whom are the responsible body for SSSI.
- 57 The impact of the development would not adversely affect the setting of the SSSI. Natural England have confirmed that if the mitigation report submitted is complied with would protect the special interest of the site.
- 58 Such a condition will be imposed to ensure that the development is carried out in accordance with this mitigation measures. A further condition has been requested for further mitigation details to be submitted to ensure wind-blown sand does not enter the SSSI. These conditions are being imposed and therefore Natural England have confirmed that the development would not detrimentally harm the SSSI and they have no objection to the scheme.

### Local Wildlife Site (LWS)

- 59 The proposed sand school will be sited within the Polebrook Local Wildlife Site (LWS). Policy SP11 of the Sevenoaks Core Strategy seeks to protect LWS, with the primarily objective of promoting biodiversity Opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement, extension and management of sites.
- 60 The designation of this site was first introduced in 1986 and was re-assessed in September 2017. The site was initially designated due to its neutral grassland which complemented the area. It is defined as being rough pasture grazed by sheep and never receiving artificial fertiliser and is heavily grazed and herb-poor. This was the case back in 1986 and again when re-assessed back in 2017. Nearly 6 years has pasted from when it was last assessed, which would suggest that the site has further declined due to still be heavily grazed.

- 61 The proposed development would clearly significantly impact the Polebrook Local Wildlife Site, through placing a sand school within a LWS. However the applicant is seeking to offset the loss of part of the LWS where the sand school is to be placed, by significantly enhancing the biodiversity on the remaining land through biodiversity net gain. The applicant is also seeking to retain the existing vegetation surrounding this area. The enhancement of biodiversity opportunities is supported by policy SP11 of the Core Strategy.
- 62 The applicant claims that they can achieve a 197.73% biodiversity net gain (BNG), which as a score has been challenged by the KCC Ecology and KWT as it appears to be exceptional high. Notwithstanding the precise % uplift in BNG, the scheme will be able to achieve a minimum uplift of 10%, which the National requirement from November 2023 and should also be able to achieve the 20% target that our draft Local Plan 2040 currently advocates.
- 63 Whilst it is regrettable that part of the poorly grazed field that forms part of the LWS will be loss, the proposal will provide a biodiversity net gain. A planning condition is being imposed to require a 20% uplift in BNG against the loss of this section of the LWS on the surrounding land, above the beyond the current condition of the application site. Policy SP11 of the Sevenoaks Core Strategy allows for opportunities to enhance biodiversity within the LWS.
- 64 It is fully acknowledged that the proposal will change the character and appearance of this part of the LWS and that the KWT and KCC Ecology have raised concerns and objections. However both also suggest a series of conditions are imposed if the Council is minded to ensure that the biodiversity net gains are realised.
- 65 A concern has been raised in relation to the inclusion of lighting and mirrors to the site, and the impact this would have on the biodiversity of the site. This can be conditioned.
- 66 A concern has also been raised in relation to the concerns raised within the Kent Wildlife Trust, Natural England and KCC Ecology comments. They have been taken into consideration when assessing the impact on the Local Wildlife Site, biodiversity and SSSI.
- 67 On balance, the development would not detrimentally harm the Local Wildlife Site, the biodiversity on the site or the SSSI.

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

- 68 This proposal is not CIL liable.

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### Other issues

- 69 The site is located within an Area of Archaeological Potential. The converted part and the small extension would not detrimentally impact the archaeology due to the extension being located on land, which has already been disturbed. The sand school also raises minimal concerns due to the development not resulting in the inclusion of foundations. The site is not located within an Area of Outstanding Natural Beauty and therefore would not result in any harm to this.
- 70 The site falls within a Flood Zone 2 & 3 and is in high risk of surface water flooding. Environmental Agency and Environmental Health were consulted on the scheme and raised no objection to the development. In regard to drainage, this would in relation to the barn, which already exists and is in use and therefore raises no additional significant concerns.
- 71 A concern has been raised in relation to the impact of traffic and noise from the development. The site is already a residential use of the site, where traffic already exists. The development is to be proposed as for personal/ancillary use and therefore the development would result in no additional traffic flow. A condition can be included on the decision to ensure this.
- 72 A concern has been raised in relation to whether the use is to actually be for personal use. This would be conditioned to ensure this. Concerns have been raised on the proposed location and how this should be altered and how this position has not been justified. The assessment is based on whether the proposed location is acceptable or not and that forms part of the assessment of the application process. The scheme does not include the chance for us to suggest altering the position. We assess the scheme against policy, which has been submitted. A justification is not always required to the proposed location, this forms part of our assessment once a site visit has been conducted.
- 73 A concern has been raised in relation to the precedent the application will result in. Every application is assessed and determined under its own merit.
- 74 A concern has been raised in relation to the impact of the construction process and on the existing fence and how this would need to be removed. The fence does not form part of the application process. Due to the extent of the development, there are minimal concerns on the construction process.
- 75 A concern has been raised in relation to the impact to highway (adjacent driveway). The barn is to remain in the same position as existing and would not result in any additional harm to the highway than currently. The sand school is also located at a significant distance from the nearest public highway. Therefore, the development raises minimal highway concerns.

**Conclusion**

76 The proposed development complies with the relevant local and national policies.

**Recommendation**

77 It is therefore recommended that this application is GRANTED.

**Background papers**

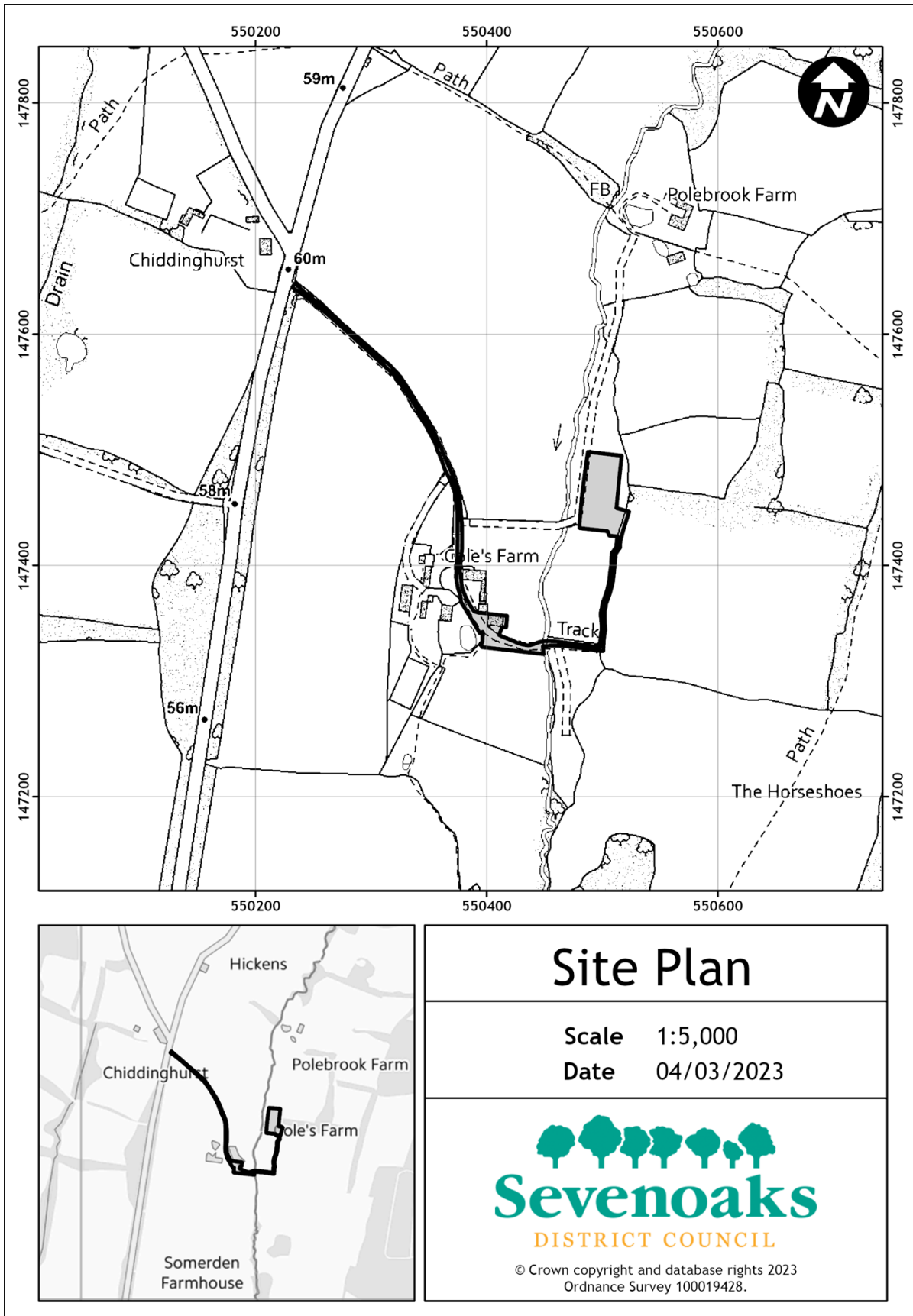
Site and block plan

Contact Officer(s): Louise Cane 01732 227000

**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)





PROPOSED SITE LAYOUT



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Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 01 June 2023

**4.1 - 22/00512/OUT - SEVENOAKS QUARRY, BAT & BALL ROAD, SEVENOAKS, KENT**

[Link to application details:](#)

[Link to associated documents:](#)

**4.2 - 22/02053/FUL - PLOT GRAZING LAND SOUTH OF VIADUCT TERRACE, HORTON ROAD, SOUTH DARENTH, KENT**

[Link to application details:](#)

[Link to associated documents:](#)

**4.3 - 22/01134/FUL - COLES FARM, BORE PLACE ROAD, CHIDDINGSTONE, EDENBRIDGE, KENT TN8 7AP**

[Link to application details:](#)

[Link to associated documents:](#)

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