

4.1 19/05000/HYB

Date Expires: 25.03.2022

**PROPOSAL:** Hybrid application comprising, in outline: development of business space (use classes B1a/b/c) of up to 27,773 sqm GEA; works within the X enclave relating to energetic testing operations, including fencing, access, car parking; development of up to 635 residential dwellings; development of a mixed use village centre (use classes A1/A3/A4/A5/B1a/D1/D2); land safeguarded for a primary school; change of use of Fort Area and bunkers to Historic Interpretation Centre (use class D1) with workshop space and; associated landscaping, works and infrastructure. In detail: demolition of existing buildings; change of use and works including extension and associated alterations to buildings Q13 and Q14 including landscaping and public realm, and primary and secondary accesses to the site.

**LOCATION:** Fort Halstead, Crow Drive, Halstead Sevenoaks TN14 7BU

**WARD(S):** Halstead, Knockholt & Badgers Mount / Dunton Green and Riverhead / Brasted, Sundridge and Chevening.

#### **ITEM FOR DECISION**

This application has been referred to Development Control Committee at the discretion of the Chief Planning Officer, as the development is of a significant and sensitive nature.

**RECOMMENDATION A:** That planning permission be GRANTED subject to:

- 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 no later than 21 April 2022, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services. Except to the extent that the Deputy Chief Executive and Chief Officer for Planning and Regulatory Services is satisfied that the requirements are secured through the conditions.

#### Section 106 Agreement

The Section 106 Agreement shall include the following requirements:

- 20% affordable housing with a mix of 65% for Social Rent/ Affordable Rent and 35% for Intermediate housing, plus early and late review mechanisms;

- Safeguarding of land for a school, to revert to employment use if not required;
- Ecological mitigation works and management of habitats;
- Provision, protection and management of all open spaces and the green infrastructure
- Safeguards for heritage assets including provision of a Heritage Management Plan and delivery of a Historic Interpretation Centre and a Heritage Trail;
- Management and maintenance plans for the open spaces within the site;
- Highways and transport improvements including works under a Section 278 agreement as required, to include :
  - Access junction improvements including new roundabout to Polhill access to include pedestrian and cycling infrastructure and alterations to Star Hill Road and its access to include enlarged visibility splays, new warning signage, anti-skid surfacing, tapers on the junction corners; enlarged splinter island; safety enhancements to the bend of Star Hill Road to the south east of the site including white lining/ hatching; best endeavours to deliver a 40mph speed limit on Star Hill Road;
  - Improved cycling links to Knockholt Station including best endeavours to prevent parking in the cycle lane on Old London Road and creation of an advisory cycle lane in both directions on the A224 between the new roundabout at Otford Lane and land south of Polhil Garden Centre, commitment to a cycle hire scheme;
  - Upgrades to public rights of way and bridleways (including Polhill to Twitton bridleway and footpath to Knockholt Village);
  - Details and provision of a community bus service;
  - Compliance with Travel Plans and associated monitoring fees.

### Planning Conditions

#### Definitions:

For the avoidance of doubt, these conditions rely on the following definitions:

“Detailed Permission”- relates to the area identified by plan 00556I\_S01 Rev.P3 as “Detailed Planning Application boundary”.

“X Enclave”- relates to the area outlined in red on plan 00556I\_S04 Rev.P2 and annotated as “QinetiQ’s red line boundary”.

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 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 5 years from the date of this permission.

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

3. No development shall take place until details of a Phasing Plan of the development has been submitted to and approved in writing by the Local Planning Authority.

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

4. The final Reserved Matters application shall be made to the Local Planning Authority not later than 10 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.

5. For each Phase of Development identified by Condition 3, approval of details of the scale, layout, landscaping and appearance 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.

6. The plans and particulars of each relevant reserved matters application shall not exceed the maximum parameters of the development set out in the parameter plans: 005561\_: PP01 Rev.P3, PP02 Rev.P3, PP03 Rev.P3, PP04 Rev.P4, S02 Rev.P3.

Reason: To ensure the development is within the parameters assessed in the Environmental Statement accompanying the application.

7. For each phase of the 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 Mandatory Design Principals at Condition 11. If required an updated Phasing Plan shall also be submitted for approval in writing.

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

8. Access to the site shall be carried out in full accordance with the details shown on drawings

41290/5501/044 Rev. A and 41290/5501/041 Rev.A in so far as they relate to the access to the site only.

Reason: To ensure safe access to the site and to comply with policy EN1 of the ADMP and the NPPF.

9. Before each phase of development identified pursuant to condition 3 is commenced the details submitted pursuant to reserved matters shall include, but not be limited to, the following details:

- a) Any proposed access road(s) including details of horizontal and vertical alignment;
- b) The layout, specification and construction programme for: any internal roads not covered by (a) above, footpaths, parking and turning areas (including visibility splays), cycle parking areas and cycle storage facilities;
- c) For the landscaping scheme: location of existing trees, hedges, shrubs and other vegetation to be retained and removed;
- d) Where applicable, retention of not less than a 15m buffer to the ancient woodland and trees labelled T136 and T137 within the report titled 'Arboricultural Impact Assessment Updated' ref RT-MME-152162 Rev.E (June 2020)
- e) The layout, character, structure and types of the proposed planting, together with an indicative schedule of planting species and tree retention.
- f) The layout and character of the proposed hard surfacing areas together with an indicative schedule of materials.
- g) Details of any earthworks proposed, contours to be formed and representative cross/long-sections.
- h) Location of lighting for roads, footpaths and other areas.
  
- i) Appropriate provision and distribution of play spaces.
- j) a strategy and design for street furniture which shall include, street lighting, waste bins, seating and any non-highway signage.
- k) Boundary treatments.

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

10. The area of the Detailed Permission (defined by plan 00556I\_S01 Rev.P3 as 'Detailed Planning Application boundary') shall be carried out in accordance with the following approved plans: 00556J\_MP\_: S01 Rev.P1, S02 Rev.P1, S03 Rev.P1, S04 Rev.P1, 6699\_101i. 00556J\_Q14-13\_: S07 Rev.P1, S08 Rev.P1, S09 Rev.P1, S10 Rev.P1, S11 Rev.P1, S12 Rev.P1, S13 Rev.P1, S14 Rev.P1, S15 Rev.P1, S16 Rev.P1, S17 Rev.P1, S19 Rev.P2.

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

11. The development shall be carried out in accordance with the Mandatory Design Principals as detailed in the document titled “Fort Halstead: Design Principles Application Revision 1 May 2020” and which are indicated therein as mandatory.

Reason: To ensure that the details of the development are acceptable to the Local Planning Authority and to ensure the development conserves and enhances the special landscape character of the AONB and the setting of the designated heritage assets, to comply with policies EN1, EN4 and EN5 of the Sevenoaks ADMP.

12. Prior to commencement of works (including demolition and site clearance) on land comprising the Detailed Permission (being the area of the detailed planning application defined by plan 005561\_S01 Rev.P3 as ‘Detailed Planning Application boundary’), a detailed ecological mitigation strategy for that part of the development shall be submitted to, and approved in writing by the Local Planning Authority. This will include the relevant proposals within the Framework Ecological Mitigation Strategy Rev A (by Middlemarch Environmental, May 2020).

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

13. With the submission of the first reserved matters application (excluding reserved matters relating to the X Enclave), a site-wide Outline Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy will incorporate the measures within the Framework Ecological Mitigation Strategy Rev A (by Middlemarch Environmental, May 2020).

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

14. With the submission of reserved matters for each phase identified pursuant to condition 3, an updated detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy will accord with the details within the Outline Mitigation Strategy as agreed as Condition 13. The strategy will be adhered to thereafter.

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

15. With the submission of a Reserved Matters application for each phase identified pursuant to condition 3, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The document shall demonstrate compliance with the agreed Outline Landscape and Ecological Management Plan (by Middlemarch Environmental, June 2020) and shall include, where applicable, details for the management of the ancient woodland and management of public access within it. It shall also include details of how public footpaths within it will be maintained. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation and management for biodiversity and the landscape, to comply with policy SP11 and the NPPF.

16. Before each phase of development identified pursuant to condition 3 is first occupied details of a scheme for external lighting and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation for biodiversity and to ensure the development conserves and enhances the special landscape character of the AONB, to comply with policies EN1 and EN5 of the ADMP, SP11 of the Core Strategy, and the NPPF.

17. Before each phase of development identified pursuant to condition 3 is commenced 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 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 NPPF.

18. Before each phase of development identified pursuant to condition 3 is commenced, details of all trees to be retained within (and immediately adjacent to) each phase, the 15m ancient woodland buffer and trees T136 and T137 (as identified in the report titled 'Arboricultural Impact Assessment Updated' ref RT-MME-152162 Rev.E June 2020) if they fall within or immediately adjacent to, that phase, shall be protected by a fence erected in accordance with the guidance contained in BS 5837:2012 and maintained during the course of development within that phase. Within the protection areas erected in accordance with the guidance contained in BS 5837:2012, the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored within such areas without the prior written approval of the local planning authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree root encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the protection of the retained, protected, ancient and veteran trees on the site during the construction process, to comply with policy EN1 of the ADMP and the NPPF.

19. No development shall commence (except for development within the X

Enclave) until a site wide strategy to deal with potential risks associated with any contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following: a preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors, and; potentially unacceptable risks arising from contamination of the site.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

20.No development shall commence (except for development within the X Enclave) until a site investigation scheme, based on the findings of condition 19 and to provide information for a detailed assessment of the risk of all receptors that may be affected, including those off site, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

21.No development on any phase identified pursuant to condition 3 (except for development within the X Enclave) shall be commenced until details of an options appraisal and remediation for that phase, based on the results of conditions 19 and 20, has been submitted to and approved in writing by the Local Planning Authority. Those details shall include: full details of the remediation measures required and how they are to be undertaken; details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and; details of any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

22.Prior to the occupation of any residential unit or the first commencement of any use within any phase (except for development within the X Enclave), a verification report, demonstrating the completion of works set out in the approved remediation strategy for that phase, and details of the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

23.If, during development on any part of the site (except for development within the X Enclave), 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 on that part of the site until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the Local Planning Authority. The approved remediation strategy shall be implemented as approved.

Reason: To ensure appropriate remediation is carried out for any unexpected contamination, to ensure the development is safe for future users and to comply with the aims of the NPPF.

24.No development shall commence (except for development within the X Enclave) until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based on the FRA and Drainage Strategy (Hydrock, September 2019) 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 off site, and shall include details of measures relating to the drainage of highways and accesses.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt 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 does not increase the flood risk elsewhere, to comply with policy SP1 of the Core Strategy and the NPPF.

25.No development on any phase identified pursuant to condition 3 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 in writing by the Local Planning Authority. The report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that



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 to ensure the development does not increase the flood risk elsewhere, to comply with policy SP1 of the Core Strategy and the NPPF.

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

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, water pollution caused by mobilised contaminants, to comply with the NPPF.

27.No development shall be commenced (except for development within the X Enclave) until a site wide foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker and the Environment Agency. 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, water pollution caused by mobilised contaminants, to comply with the NPPF.

28.Piling or other foundation designs using penetrative methods shall not be permitted other than in accordance with details first submitted to and approved in writing by the Local Planning Authority, where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, water pollution caused by mobilised contaminants, to comply with the NPPF.

29.No construction traffic shall be permitted to use the Star Hill Road access at any time.

Reason: In the interests of highway safety, to comply with policy EN1 of the ADMP and the NPPF.

30.No development on any phase identified pursuant to condition 3 (including

demolition and site clearance on any phase) shall be commenced until details of a construction traffic management plan for that phase have been submitted to and approved in writing by the Local Planning Authority. Those details shall include but not be limited to:

- Routing of vehicles;
- Employee parking;
- Delivery vehicle unloading and turning;
- Wheel washing facilities, and;
- Any requirements for traffic management.

The development on that phase shall be carried out only in accordance with the approved details.

Reason: To protect highway and pedestrian safety during the construction phases, to comply with policy EN1 of the ADMP and the NPPF.

31. Prior to the occupation or use of the first phase of the development identified pursuant to condition 3, full details of the Demand Responsive Transport service to serve the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that options for encouraging sustainable means of transport from the site are delivered, to comply with policies EN1 of the ADMP and SP1 of the Core Strategy, and the NPPF.

32. Prior to the occupation or use of each phase identified pursuant to condition 3, updated details of the Demand Responsive Transport service shall be submitted to and approved in writing by the Local Planning Authority. The service shall operate in accordance with the approved details.

Reason: To ensure that options for encouraging sustainable means of transport from the site are delivered, to comply with policies EN1 of the ADMP and SP1 of the Core Strategy, and the NPPF.

33. Prior to the occupation or first use of any part of the development (except for development within the X Enclave), details of a Bus Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall outline the services that will serve the site and how demand will be monitored and how the bus service will respond to demand.

Reason: To ensure that options for encouraging sustainable means of transport from the site are delivered, to comply with policies EN1 of the ADMP and SP1 of the Core Strategy, and the NPPF.

34. Prior to commencement of any phase identified pursuant to condition 3, details of a scheme of electrical vehicle charging points within that phase shall be submitted to and approved in writing by the Local Planning Authority. 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.

Reason: To ensure the delivery of electrical vehicle charging points, to comply with policy T3 of the ADMP.

35. Prior to commencement of development on any phase identified pursuant to condition 3, a building retention and demolition management plan for that phase shall be submitted to and approved in writing by the local planning authority. This shall include: a) details of the methods of protection of the buildings to be retained and b) the details of a demolition management strategy. Demolition shall occur only in accordance with the approved details and all buildings to be retained shall be protected in full accordance with the approved details for the duration of construction on that phase.

Reason: To preserve the historic site and its designated and non-designated heritage assets as supported by Policy EN4 of the ADMP and the NPPF.

36. No development on any phase identified pursuant to condition 3 shall take place until a method statement for the salvage, secure storage and re-use of items of historic interest including: original street lamps, other street furniture, building numbers, street name signs and, the red information board outside the M series/Bunkers, has been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out other than in accordance with the approved method statement.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

37. No development shall take place pursuant to any phase identified by condition 3 until methodology for recording the architecture and/or archaeology buildings prior to and during demolition on that phase has been submitted to and approved in writing by the Local Planning Authority. No demolition shall be carried out other than in accordance with the approved methodology and the records or reports shall be stored in accordance with the approved methodology.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

38. Prior to commencement of development on any phase identified pursuant to condition 3, an archaeological impact assessment and archaeological landscape survey shall be submitted to and approved in writing by the Local Planning Authority, including a written specification and timetable. The development shall be implemented in accordance with the approved archaeological impact assessment.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

39. Prior to commencement of development on any phase identified pursuant to

condition 3, details of archaeological field evaluation works, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording if necessary. The development shall be carried out in accordance with the approved details.

Reason: To preserve the heritage and historical importance of the site in accordance with policy EN4 and EMP3 of the Sevenoaks ADMP and the NPPF.

40. Prior to the first occupation of any dwelling or use of any community or employment floorspace (except for development within the X Enclave), written confirmation shall be provided to the Local Planning Authority to demonstrate that either: a) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - To ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, to comply with policy EN2 and the aims of the NPPF.

41. No development (except for development within the X Enclave) other than the enabling works shall take place until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the Local Planning Authority. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point a programme of implementation for any works. No development shall be carried out otherwise than in accordance with the approved scheme.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand. This is supported by policy EN1 of the ADMP and the NPPF.

42. Prior to commencement of development on any phase identified pursuant to condition 3, a demolition and construction environmental management plan (CEMP), specific to amenity 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 shall include:

- a. Details of the proposed working hours;
- b. Details of the design and location of the construction access;
- c. A site waste management plan
- d. Details of temporary utilities
- e. How the construction will comply with the sustainable use of soils on construction sites

- f. 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.
- g. Details of a routing agreement for the site construction traffic and HGV traffic associated with the movement of bulk material to and from the site
- h. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries;
- i. Details of the measures to mitigate the noise and vibration from construction;
- j. Details of a surface water drainage scheme for the temporary drainage of the Site.

Reason: To preserve highway safety and to protect residential amenity, to comply with policies EN1, EN2 and EN7 of the ADMP.

43. Prior to the commencement of development on any phase identified by condition 3 and which includes residential development, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of outdoor play space, including details of a scheme for its implementation. The development shall be carried out in accordance with the approved details.

Reason: To ensure delivery of adequate play facilities across the site and to comply with policy EN2 of the ADMP.

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended and the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or any order revoking, re-enacting or modifying that Order), all buildings and units occupied for commercial uses (all uses other than C3) within the development shall be used only for the purposes described in this application comprising uses falling within the Use Classes Order 1987 (as amended) prior to 1 September 2020, being A1, A3, A4, A5, B1a, D1 and D2 for the uses falling within the village centre, and use classes B1a/b/c for the business space. Those buildings shall only be used for those uses for which they are first occupied and will not benefit from use class permitted development subsequently.

Reason: To ensure delivery of a mixed use village centre and the delivery of appropriate employment uses on the site, and to protect highway safety, to comply with policies SP1 of the Core Strategy and EMP3 of the ADMP.

45. 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 7, Classes A, F, H, J, M, N.

Reason: To ensure protection of the ancient woodland, protected trees and

habitats on the site, and to ensure that future development conserves and enhances the special landscape character of the AONB and the setting of the designated heritage assets, to comply with policies SP1 and SP11 of the Core Strategy and EN4 and EN5 of the ADMP.

46. Prior to commencement of any works to the Scheduled Ancient Monument details shall be submitted to, and be approved in writing by the Local Planning Authority of any proposed landscaping works, including the removal of trees within the curtilage of the Scheduled Ancient Monument. No development will be carried out otherwise than in accordance with the approved details.

Reason: To preserve the historic significance of the Scheduled Ancient Monument as supported by Policy EN4 of the Sevenoaks ADMP.

*Conditions Relating to the X Enclave*

*(relating to the area outlined in red on plan 005561\_S04 Rev.P2 and annotated as "QinetiQ's red line boundary")*

47. With the submission of the first reserved matters application relating to the X Enclave, an Ecological Mitigation Strategy for that part of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy will incorporate the measures within the Framework Ecological Mitigation Strategy Rev A (by Middlemarch Environmental, May 2020).

Reason: To ensure appropriate mitigation for biodiversity, to comply with policy SP11 and the NPPF.

48. No development shall commence within the X Enclave until a strategy to deal with potential risks associated with any contamination on that part of the site has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following: a preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors, and; potentially unacceptable risks arising from contamination of the site.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

49. No development shall commence within the X Enclave until a site investigation scheme, based on the findings of condition 48 and to provide information for a detailed assessment of the risk of all receptors that may be affected, including those off site, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigations are undertaken to inform a scheme of investigation and remediation as required, to ensure the

development is safe for future users and to comply with the aims of the NPPF.

50.No development within the X Enclave shall be commenced until details of an options appraisal and remediation for that area, based on the results of conditions 48 and 49, has been submitted to and approved in writing by the Local Planning Authority. Those details shall include: full details of the remediation measures required and how they are to be undertaken; details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and; details of any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

51.Prior to the occupation of any building within the X Enclave, a verification report, demonstrating the completion of works set out in the approved remediation strategy for that phase, and details of the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure appropriate remediation is carried out as required, to ensure the development is safe for future users and to comply with the aims of the NPPF.

52.If, during development within the X Enclave, contamination not previously identified is found to be present on that part of the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on that part of the site until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the Local Planning Authority. The approved remediation strategy shall be implemented as approved.

Reason: To ensure appropriate remediation is carried out for any unexpected contamination, to ensure the development is safe for future users and to comply with the aims of the NPPF.

53.No development shall commence within the X Enclave until a detailed sustainable surface water drainage scheme for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based on the FRA and Drainage Strategy (Hydrock, September 2019) and shall demonstrate that the surface water generated by this part of 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 off site, and shall include details of measures relating to the drainage of highways and accesses.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt 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 does not increase the flood risk elsewhere, to comply with policy SP1 of the Core Strategy and the NPPF.

54.No development shall be commenced within the X Enclave until its foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker and the Environment Agency. 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, water pollution caused by mobilised contaminants, to comply with the NPPF.

*Additional condition relating to the wider site:*

55. For each phase of the submission of the reserved matters, the details submitted shall include a noise report indicating how noise levels from any part of the site occupied by Qinetiq can be addressed so that noise levels do not exceed 55dba in the outdoor amenity areas across the site. No development shall be carried out otherwise than in accordance with the approved details.

Reason: To conserve and enhance the natural beauty of the Kent Downs AONB, and to protect the amenity of future users and occupiers of the site, including residents, to comply with policies EN5 and EN2 of the Sevenoaks ADMP.

Informatives

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

2. Part of the development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/ agent/ developer is strongly advised to contact the pipeline



operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.

Address is: Southern Gas Networks Plc, SGN Plant Location Team, 95

Kilbirnie Street, Glasgow, G5 8JD. Tel: 01414 184093 OR 0845 0703497

Search online at: [www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk) . SGN personnel will contact you accordingly.

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

- 1 The proposal fails to make provision for affordable housing and is therefore contrary to the NPPF and the Sevenoaks Affordable Housing Supplementary Planning Document.
- 2 In the absence of an affordable housing contribution which would contribute to meeting an identified affordable housing need in the District, the proposals would be inappropriate development in the Green Belt by definition, contrary to the NPPF.
- 3 The proposal fails to provide appropriate safeguards to protect the ecology, biodiversity and protected habitats on the site, to provide and manage open spaces and to conserve and enhance the Area of Outstanding Natural Beauty contrary to policies SP1, SP11 and L08 of the Core Strategy, policy EMP3 and EN5 of the ADMP and the NPPF.
- 4 The proposal fails to provide safeguards to protect the designated and non-designated heritage assets on the site, contrary to policy SP1 of the Core Strategy, policies EMP3 and EN4 of the ADMP and the NPPF.
- 5 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 Core Strategy, policies EMP3 and T1 of the ADMP and the NPPF.

### **Background and reason for this addendum report**

1. On 7 July 2021 Development Control Committee resolved to grant planning permission for the above development at Fort Halstead.
2. Since that resolution, work has been undertaken to negotiate the detail of the S106 Legal Agreement, based on the agreed Heads of Terms (see Minutes of the meeting attached).
3. The detailed negotiation process for the S106 agreement has taken longer than anticipated.

4. For this reason, the Deputy Chief Executive and Chief Officer of Planning and Regulatory Services has exercised his discretion to extend the timescale for the completion of the legal agreement.
5. However, during the course of the negotiations, KCC's solicitor wrote to the (external) solicitor representing the Council raising concerns that some of the obligations sought by KCC had not been included in the committee heads of terms or draft S106 agreement. Discussions were also held between officers from each authority.
6. We have engaged with KCC for the individual applications this applies to and at a more strategic level. Those negotiations and discussions have not resulted in agreement being reached between the two authorities and KCC therefore object to the proposal on the grounds that by failing to secure all of the planning obligations sought by KCC, the adverse impacts of the development will not be mitigated, and that the necessary infrastructure to support the development will not be delivered. Further information on their request and our response to it is set out below.
7. The draft legal agreement based on the recommended Heads of Terms is close to being agreed and any further update will be provided at the meeting.

#### **The consideration of this report**

8. In light of the issues raised by KCC it is considered to be in the interests of transparency and good governance for this application to be referred back to Development Control Committee to update Members so that they are fully apprised of the matter raised by KCC thereby ensuring that all material planning considerations have been taken into account in determining the application. The application is to be considered afresh, as a whole.
9. This report is an addendum with the update on the key issues and attached is a copy of the original report, the late observations reported to committee and a copy of the minutes.

#### **Summary of new material considerations since the committee resolution**

- KCC letter of 2 February 2022
- NPPF 20 July 2021
- Housing delivery test and other information
- Qinetiq decision

#### **KCC request for Planning Obligations (letter of 2 February 2022).**

10. In the letter of 2 February 2022 to the solicitor representing the Council for the S106 negotiations, KCC raise various concerns related to how the Council

considered their letter of 15 November 2019, commenting on this application.

11. For clarity, the letter of 15 November 2019 is from KCC's Economic Development (Developer Contributions) team, following our consultation with KCC Education.
12. The consultations sent to KCC Education were as follows:
  - Consultation sent 17.10.19. Replied by letter dated 15.11.19
  - Consultation sent 6.7.20. No reply received.
  - Consultation sent 22.3.21. No reply received.
13. The overall expiry date for consultations was 17 May 2021. The application was advertised several times with site notices and in the newspaper.
14. Paragraphs 45 to 55 of the original report refer to the consultations that have taken place. As noted at para 50, changes were made to the application in July 2020 which included a reduction in the quantum of residential development proposed from 750 to 635 units. These changes produced a scheme that was different to the one originally submitted and therefore at para 55, the report notes that the consultation responses listed related to the responses received from the second consultation onwards. Para 491 of the original report summarises some of the additional responses received in 2019 where those consultees did not respond to later consultations.
15. KCC has suggested that its earlier consultation responses should have been reported to committee. The letter of 2 February 2022 from Invicta Law on behalf of KCC sets out the following concerns:
  - KCC's requirements for the S106 agreement were not reported in the committee report.
  - KCC do not accept the explanation given by Sevenoaks relating to the lack of responses to later consultations (after the application had been amended).
  - KCC's assessment of the impact of the development that would need to be alleviated in order to make it acceptable in planning terms is set out in their consultation response dated 15 November 2019.
  - KCC do not consider that Members were fully advised of the implications for failing to mitigate the impact of the development and Members may have refused the application if they had all the facts.
  - The total contributions amount to approx. £8.1 million and this is not a trivial issue in relation to the decision to grant planning permission.
  - Other issues were raised about the relationship between CIL funds and S016 Agreements and the ability to secure funding for infrastructure.
16. A copy of the letter of 2 February 2022 is provided alongside this report. Members are advised to read the letter in full and to note its content.

17. Below is a table summarising the requests for financial contributions set out in the KCC letter of 15 November 2019, based on a larger scale of development than is proposed. Note that the total sum requested is in excess of the figure quoted in 2 February 2022 letter from KCC's solicitor.

<b>Infrastructure sought</b>	<b>Total sum sought in £</b>	<b>Project Notes</b>
Primary Education	4,134,111	For the provision of 1FE primary school on site. 158 additional primary places generated by proposal.
Primary school land	1.6ha parcel of land on site	This size of land would allow for possible future expansion beyond 1FE
Secondary Education	2,885,499	For provision of additional places within the non-selective Sevenoaks & Borough Green planning group area. 113 additional secondary places generated by proposal.
Secondary school land	2,016,451	As above
Community learning	12,315	To improve Adult Education in Sevenoaks and outreach programmes
Youth services	49,125	To improve facilities at Swanley Youth Centre and for its outreach programmes
Libraries	41,588	Towards improvement of stock, equipment & delivery of services at Otford & for the mobile library service
Social care	61,890	For provision of Assistive Technology and improvements to facilities at local centres. Also provision requested for 8 wheelchair adaptable homes with allocation by KCC Social Care.
Waste	178,155	Towards re-building of facilities at Dunbrik or Swanley. These centres are to reach capacity and the demand from this development will increase the pressure on these facilities.
<b>TOTAL £</b>	<b>9,379,134</b>	

18. The letter of 15 November 2019 advises that these figures are based on a May 2019 price base. No updated price base has been provided. If the Committee were to require the above contributions to be included in the S106 agreement, the figure would be index linked from May 2019 until the date that payment is due under the terms of the S106 agreement.
19. The 2019 letter and attachments set out further comments and calculations based on a tariff approach to developer contributions.
20. Regulation 122 of the CIL Regulations refers to the limitation of use of planning obligations for CIL authorities. It states that a planning obligation (such as a S106 Agreement) can only constitute a reason for granting planning permission for the development if the obligation is:
  - a) Necessary to make the development acceptable in planning terms
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
21. As set out in paras 596 to 606 of the original report, if the proposed development were to be built out at the current time, no affordable housing contribution would be possible due to viability constraints. Nevertheless, provision for 20% affordable housing has been agreed, relying on an uplift in the market, with a review mechanism proposed in the legal agreement through which additional affordable housing may be required if the scheme viability improves sufficiently.
22. Put simply it is not financially viable for the scheme to support all of the obligations sought by KCC and in those circumstances it is necessary to consider whether the scheme should nonetheless be approved. In this regard it is considered that there is a reasonable prospect for KCC to secure funding for critical items of infrastructure by making bids for CIL monies in due course.
23. SDCs Infrastructure Delivery Plan (IDP) was issued in March 2019. This was just before the submission of the last draft Local Plan. Broke Hill was now removed from consideration. The IDP identifies the Fort Halstead development as a strategic site. It states that the following social and community infrastructure needs are proposed by the promoter of the site:
  - New primary school
  - On-site community facilities including village shop, café and space for a satellite GP surgery
  - Formal and informal open space
  - Provision and enhancement of pedestrian, cycling and public transport infrastructure.
24. KCC were also one of the consultees, whose comments were taken into consideration when drafting the document. It is clear from the promoters' comments and the comments from statutory consultees that SDC recognised

that there was a need for infrastructure to support development on the Fort Halstead site.

25. In appendix A of the IDP, it provides a schedule of Infrastructure Requirements, which includes infrastructure to support the Fort Halstead development. These include provision towards:
  - New Library provision (£106, 900)
  - KCC youth services - Halstead and Knockholt area (£18, 500)
  - Primary School (cost unknown)
  - Secondary school (not given)
  - KCC Community Learning Facilities (£17, 100)
  - KCC Social Care (£48, 700)
26. The funding mechanism for all the above infrastructure was expected to come through CIL or other funding sources. Note that these figures mostly differ from the values given in the letter of 15 November 2019 relating to KCC's request for this application and it is not known why this is the case. Also, in the IDP the youth services were to go to the Halstead and Knockholt, whereas the 2019 letter refers to Swanley, which is further away from the application site.
27. When we received responses in regard to the IDP, the projects identified were categorised by the time scales to implementation, whether they were considered a priority and we also considered the risk to delivery. With all the needs listed above the timescales given were 11-15 years or 16-20 and all were given a Low priority with only secondary education given medium priority.
28. The Infrastructure Funding Statement (IFS) is issued annually and lays out SDCs priorities for Infrastructure over the next year. Looking at the schedule of Infrastructure requirements, it is clear that the infrastructure to be provided for Fort Halstead, is currently considered to be of medium to low priority and does not need to be provided within the next year. This is why the projects were not considered to be priorities for the current IFS.
29. Health Services were considered to be a high priority and needed to be in place quickly. Health Services to support Fort Halstead were therefore identified in the IFS and some CIL funding has already been granted to expand the medical practice at Otford / Kemsing.
30. The draft S106, based on the 106 agreement that formed part of the previous permission for this site, includes provision for community floorspace on the site, with clauses requiring it to be first offered to the relevant NHS body, and if not needed for this purpose, it can revert to community use.
31. When reviewing the IFS, we have built in two elements that consider any changes to the IDP and any changes in circumstances, before the priorities for CIL are decided on for the next year. Therefore, if the planning

application for Fort Halstead were to be approved, and the requirement for infrastructure was more immediate, then this would mean that the priorities in the IFS may need to change to include them.

32. If specific infrastructure is laid out as a priority in the IFS, then this would influence the CIL Spending Board, which is a Board of elected members that decides where CIL money is spent. There is a risk that members of this Board could decide not to issue the CIL money towards these needs, however if it is identified in the IFS as a clear priority there is a reasonable prospect of the relevant project being funded. KCC would be entitled to apply for CIL money even if items are not included in an IFS on a case by case basis and such applications would be considered on their merits at the time.
33. In addition to this, we also have to consider the impact on scheme viability if all of the obligations sought by KCC were to be required. The obligations sought by KCC would have a very significant adverse impact on viability of the scheme and would likely result in the scheme not coming forward at all. This would also be unreasonable and not in the public interest. The viability review mechanism that is included in the latest draft S106 agreement (which provides for additional affordable housing to be provided if viability improves sufficiently) could be amended to include drafting so that the planning obligations sought by KCC would be triggered if viability improves sufficiently (note that in this context viability would need to be assessed after a policy compliant quantum of affordable housing has been secured given the importance the Council places on affordable housing delivery). However, given the challenging viability issues facing the site as things stand, and the need to prioritise affordable housing delivery, it is considered unlikely that such an approach would result in such obligations being triggered.
34. The scheme itself will generate a considerable amount of CIL that could be used to provide infrastructure for the site. In our view this would be a reasonable approach despite the obvious risk that a bid by KCC for CIL money could be unsuccessful at the relevant time. On balance the Council considers the risk of funding shortfalls to be acceptable in the circumstances.
35. This proposal is mostly in outline and CIL is not payable until the Reserved Matters stage. When these matters are submitted, the mix, size and housing types will be available and there will be greater clarity about the infrastructure demands that may arise from each phase submitted.
36. The draft S106 includes provision for the highway works and land for a school as set out in the Heads of Terms that formed part of the committee resolution. It also includes provision for other matters relating to ecology, heritage assets, management and maintenance plans and open space provision and affordable housing. These items are considered by the Council to be priority items in making the development acceptable in planning terms, and are not subject to the outcome of a viability review.

37. The Heads of Terms set out above, mostly reflect the obligations that were committed to in the S106 agreement for the first planning permission for redevelopment of the site. The applicant has re-committed to these aspects of the proposal as part of the original submission for this current application and would have been aware of these obligations when assessing the viability of the scheme.
38. The NPPF puts a strong emphasis on making effective use of land to meet the need for homes, while safeguarding and improving the environment and re-using previously developed land. These are all issues that are relevant to this scheme. There is a need for housing in the District, including affordable housing, and as the update on the Housing Delivery Test shows (see below) there is an under supply of housing in the District that is significant, to the extent that there is a presumption in favour of development, subject to the consideration of para 11(d) of the NPPF.
39. The policy context for this proposal, and the weight to be given to different policies, is set out in paras 502 to 531 of the original report. Paragraphs 591 to 595 of the report refer the policies and evidence relating to housing need.
40. Our latest infrastructure funding statement (April 2020 to March 2021) states that the first priority should always be for developers to provide affordable housing units on site.
41. In order to comply with national and planning policy, there are provisions within the draft S106 that are to be secured, of which the most significant matter is the provision of affordable housing on site, which is prioritised through local and national policy. The aim is for on site rather than off site provision or financial contribution. This is also supported by the Affordable Housing SPD and policy SP3 of the Core Strategy though these are now mostly out of date.
42. There are viability issues with this site and the proposal is not able to provide for a policy compliant percentage of affordable housing. Priority is given to the essential infrastructure provision that is on site and included within the red line site plan and related highway safety improvements which includes the provisions set out in the Heads of Terms for the S106 agreement. It is considered that without these essential items, the development would not be acceptable in planning terms hence they are not subject to the outcome of a viability review.
43. SDC consider there would be some impact from the development that would lead to a demand for school places and for the other infrastructure provision KCC sets out in their letter. The information about projected demand as a result of this development and particularly the capacity of schools, is not certain or precise. There is also a lack of clarity about which infrastructure will be provided and where. In light of this uncertainty and the viability challenges of the proposals, on balance it is concluded that there is an



acceptable level of risk in proceeding without securing the additional KCC obligations. The infrastructure requested by KCC could be the subject of subsequent bids for CIL monies, although it is acknowledged that the outcome of bids for CIL monies cannot be guaranteed and will depend on the availability of funds and spending priorities at the time, as well as the particulars of the bid itself. It is not therefore proposed to include the infrastructure requested in the draft legal agreement, other than provision of 1.16ha of land for the primary school.

44. Taking all the above issues into account, it is not recommended to include the requests for infrastructure contributions from KCC, in whole or in part, within the final recommendation as part of a S106 agreement, other than the previously agreed provision for land for a 1 FE primary school. On balance it is considered that the grant of planning consent would not be in the social, economic or environmental interests of the area notwithstanding the issues raised by KCC.

## **NPPF 2021**

45. The committee resolution for this application was made on 7 July 2021. On 20 July 2021 a revised NPPF was issued. The key changes, as they relate to this proposal are summarised below with some of the key para references, though note that some of the issues raised are themes reinforced through the wider document.
46. Principle of development:
  - A sentence added linking the goal of sustainable development to the 17 Global Goals for Sustainable Development addressing issues of social progress, economic well-being and environmental protection and updates to the wording of para 8 to include references to beautiful places and improving biodiversity.
  - Para 11 - The presumption in favour of sustainable development was amended to referring in plan making to the need promote a sustainable pattern of development that also seeks to align growth and infrastructure, improve the environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effect.
47. The principle of development and policy context in light of changes in policy are set out in the original report at paras 502 to 541 of the original report. These paragraphs, when read in conjunction with the planning appraisal as a whole set out how the proposal complies with these aims.
48. Quality of place, use of design codes and beautiful homes:

- Para 73 - When identifying land for homes new emphasis is placed on the quality of the places to be created, with the use of tools such as masterplans and design codes to secure well designed and beautiful homes.
  - Para 110 and paras 128-129 - Refers to the National Design Guide (Jan 21) and the National Model Design Code (July 21). The design of streets, parking areas and other transport elements and other associated standards should reflect this guidance. This links to other changes in the NPPF highlighting the tools to be used to help use land efficiently while creating beautiful and sustainable places.
  - Para 134 - Significant weight to be given to development which reflects policy and guidance on design
49. The National Design Guide referred to above was issued in Jan 21 and was a material consideration for this scheme. It is referred to at para 43 of the original report.
50. The National Model Design Code was issued on 20 July 21, after the committee resolution. The purpose of the guidance is to provide detailed guidance on the production of design codes, guides and policies to promote successful design, expanding on the National Design Guide. The objective of the guidance is to help define good quality design.
51. For this scheme, whilst this guidance was not in place at the time the application was considered and presented to committee, the proposal does include defined parameters, mandatory design codes and design principles to provide extra clarification and detail for the character and appearance of the development of the site, and to ensure compliance with the statutory tests relating to the conservation and enhancement of the AONB and the protection of the heritage assets on site. Issues of design, quality of place and design codes are discussed throughout the original report. Of relevance is condition 11 that requires the development to be carried out in accordance with the mandatory design principles. Paragraphs 707 to 767 of the original report refer to the visual, landscape and AONB impacts of the scheme.
52. Landscape, biodiversity, sport, access to nature and wellbeing:
- Para 98 - acknowledges the wider benefits for nature and climate change from high quality open spaces and opportunities for sport.
  - Para 131 - Refers to the important contribution made by trees to the character and quality of the urban environment. New streets should be tree-lined and new opportunities to plant and retain trees sought.
  - A sentence has been added for certain areas, including AONBs, stating that development should be sensitively located and designed to avoid or minimise adverse impact.
  - Para 180(c) - biodiversity improvements should be integrated as part of the design with enhancement of public access to nature where appropriate.

53. These issues are considered in the original report and are covered in the assessment and conclusions at:
- Access to nature and Impact on AONB - paragraphs 707 to 767.
  - Trees, woodland and landscaping - paragraphs 824 - 832.
  - Biodiversity - paragraphs 833 - 852.
54. Infrastructure:
- Para 96 - To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, authorities should work proactively and positively with relevant bodies to plan for required facilities before applications are submitted.
  - Paragraphs 872 to 879 of the original report cover other infrastructure issues, in addition to those discussed above.

### **Housing delivery test and other information**

55. Para 523 of the original committee report summarised the Council's position on housing supply. It advised that:
- The Housing Delivery Test shows that 70% of the overall housing need had been delivered
  - We did not have a 5 year housing supply - we had 2.6 years as at August 2020.
  - As the Housing Delivery Test was under 75% and we could not demonstrate a 5 year housing supply there is a presumption in favour of development subject to para 11(d) of the NPPF (the 'tilted balance').
56. The data on housing supply has now been updated. The current situation is as follows:
- The latest Housing Delivery Test results (2021) show that 62% of the overall housing need has been delivered over the previous 3 years, and therefore a 20% buffer applies to the 5 year supply calculation.
  - We do not have a 5 year supply (we have 2.9 years as at September 2021). This will be reviewed after April, to consider the latest monitoring data.
  - Given the Housing Delivery Test result falls under 62%, and we cannot demonstrate a 5 year supply, both of these things independently mean that there remains a presumption in favour of development subject to para 11(d) of the NPPF (the 'tilted balance').
57. The consequences of this for decision making are set out in paras 524 to 531 of the original report and this still applies.
58. For completeness, other consultees who responded in 2019, but not to later consultations, noting the comments at para 45 to 55 and para 491 of the original report are:

59. Otford Parish Council made comments only, advising:

“Otford Parish Council would comment that infrastructure studies should look at schools, health and the implications for the additional extraction of water from the River Darent that will be required.

Otford Parish Council would also like to see an independent Traffic Impact Study carried out for Otford. Given our earlier comments to SE/15/00628/OUT, the village is additionally used as a rat run from the A25 through Seal and Otford for people to avoid the Bat & Ball traffic lights and the Riverhead roundabouts.”

60. Health and Safety Executive: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### **Qinetiq decision**

61. This proposal includes proposals relating to the Qinetiq enclave. This part of the site is referred to throughout the report, but particularly at paras 20, 21, 543, 546, 556, 885, and 877.
62. In advance of a decision on this application, Qinetiq submitted a planning application in June 2021 for works similar to those included in this proposal. Planning permission was granted for these works in November 2021.
63. The application site lies within the red line boundary of the 2015 outline permission for the redevelopment of Fort Halstead and the current 2019 hybrid application.
64. The X Enclave is identified in both the 2015 permission and the current 2019 application as having the intention of accommodating Qinetiq, and both applications have sought to retain this land use in the wider redevelopment proposals and have accommodated their needs. This is discussed in both Committee Reports.
65. This application meets the expectation that Qinetiq would remain on the site and allows Qinetiq to be self-contained in the X Enclave.
66. The principle of the development was supported and aligns with the existing outline permission and pending hybrid application and the conditions imposed align with the existing committee resolution on this application.

### **Planning Balance and Conclusions**

67. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay, or
- Where there is no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where the Local Authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75%) the housing requirement over the last three years- as is the case here), granting planning permission unless:
  - a) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including habitat sites and irreplaceable habitat sites; Green Belt; AONBs; designated heritage assets), or
  - b) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

68. The application of paragraph 11 is commonly called the ‘tilted balance’.
69. The above report has discussed that Sevenoaks District Council do not have a 5 year supply of housing sites and that the latest Housing Delivery Test results show that 70% of the overall housing need has been delivered over the previous three years. Under paragraph 11 the delivery can therefore be defined as ‘substantially below’ the housing requirement over the last three years. As such the tilted balance of paragraph 11 applies.
70. The report has found that the application of the NPPF policies that protect areas or assets of particular importance do not, in this case, provide a clear reason for refusing the development proposed. The impact of the development on these protected areas including Green Belt habitats sites and irreplaceable habitats has been found to be acceptable and the policies in the NPPF surrounding this issues do not provide a clear reason for refusing the development. The NPPF policy considerations of the impact on the heritage assets and the AONB, however, require further assessment against the public benefits of the proposals. These are discussed further below.
71. In respect of Green Belt policies, the development is appropriate development in the Green Belt, through delivering an affordable housing contribution to meet an identified need in the District and causing less than substantial harm to the openness of the Green Belt.
72. In respect of habitats, the development protects and provides opportunities for the enhancement and future management of the existing habitat sites and protected trees and woodland which are proposed to form an integral part of the landscape character of the site and its sense of place. The development would not result in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees, as assessed under paragraph 175.

73. The proposals provide a new sustainable use to the designated heritage assets on the site and provide the opportunity for the opening up of the site to the public, increasing the appreciation of the sites unique heritage. The report concludes there is some harm to the designated heritage assets through the change of use and the alterations to the setting of those assets, and this harm is less than substantial.
74. Paragraph 196 of the NPPF requires that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
75. There are considered to be a number of notable public benefits arising from this proposal, these can be summarised as including:
- A significant contribution of 635 homes to the District’s Housing Stock;
  - An affordable housing contribution on site which contributes to an identified need in the District;
  - Delivery of employment floorspace including a village centre with opportunities for community facilities including health care services;
  - Safeguarding of land for a 1FE primary school;
  - Increased connectivity of the site to the surrounding area including by public transport, cycle infrastructure, an improvements to local public footpaths and bridleways;
  - Introducing public access to the site and to some of the heritage assets, improving the appreciation of the historical significance of those assets;
  - Management of those heritage assets, both designated and none designated, to secure their long term future;
  - Comprehensive management and maintenance of open spaces, woodlands and protected landscape within the site, including the opportunity for these to be appreciated publicly;
  - Landscape benefits including improvements to the light spill of the site and visual improvements including the removal of tall buildings and chimneys on the site which currently breach the height of the surrounding vegetation;
76. In terms of establishing whether the policies in the NPPF regarding the AONB give a clear reason for refusing the development, assessment is necessary under paragraph 172 of the NPPF. Among other things, this paragraph states: “Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.” It adds:
- “Consideration of such applications should include an assessment of: The need for the development, including in terms of any national considerations, and the impact of permitted it, or refusing it, upon the local economy; The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and Any detrimental effect on the environment, the landscape and

recreational opportunities, and the extent to which that could be moderated.”

77. It has been demonstrated that the proposals would have a positive impact upon the economy, both during construction and operational phases, for example through the provision of new homes and the increase in proposed employment floorspace beyond the 2015 permission, as well as proposed school and village centre uses. The proposals should be seen in the context of its site specific circumstances, that it is a large site soon to be vacated by DSTL which is a substantial employer in the District. The proposals provide the opportunity to maintain and increase jobs on the site and to keep an existing developed site within the AONB to a new use.
78. Alternatives have not been considered due to the status of this site and its existing allocations in the Development Plan. The site has previously been identified as a Major Development Site under the Core Strategy and was identified as one for additional growth in the previously emerging Local Plan.
79. The conclusions of this report find the proposals would overall conserve and enhance the AONB landscape and would not have a detrimental effect on the environment. The report above contains consideration of how the proposals comply with the aims of the AONB Management Plans (both existing and emerging), including how additional supporting information relating to the design of the development, has been provided in this instance in order to demonstrate that a truly landscape-led high quality development can be achieved. In light of the current character of the site, and its contribution to the AONB, it can be concluded that the proposals both conserve and enhance the special landscape character of the AONB and its distinctive character and natural beauty while including development.
80. There would be some adverse harm that is insignificant or of minor significance in the short term to biodiversity arising from the period of demolition and construction only. Future management and mitigation would improve the habitats on the site.
81. It is relevant that the site was already well established as a secure defence and research facility including a significant amount of development when the Kent Downs AONB was designated in 1968. The fall back position of the extant 2015 planning permission is also a material consideration of significant weight. It is considered that in terms of impact on the landscape character, the current application goes further to demonstrate that the development would be landscape-led and delivers a high quality sense of place to its future occupiers.
82. In conclusion in assessing the proposals against paragraph 172 in relation to the AONB, it is considered that the development is in the public interest through delivering public benefits and that the circumstances in this case are exceptional by reason of the site specific circumstances of this site. In

terms of paragraph 11 then, the NPPF's policies in relation to the AONB do not provide a clear reason for refusing the development proposed.

83. In conclusion of assessment under NPPF paragraph 11d)i) the application of policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the development.
84. For the assessment of the second part of Para 11d), it is considered that there would not be adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies of the NPPF as a whole.
85. The report above identifies the many benefits that the proposals would bring to the site and to the landscape. While local concerns exist in particularly in terms of highways impacts of the development, it has been found that these impacts can be appropriately mitigated by conditions and planning obligations, which would result in highway and pedestrian safety being preserved, and the development would amount to a less than 'severe' impact on the highway in terms of its assessment under NPPF paragraph 107.
86. The proposals provide an opportunity to make efficient use of this historically previously developed land while celebrating its unique flora and fauna and heritage attributes, and making value contributions to the District's housing and employment offer, in line with the aspirations of the NPPF.
87. The proposal would secure the provision of some infrastructure on site as required by planning policy and this would have notable public benefits. There are requests for further obligations, and it has been concluded that on balance, there is an acceptable risk if the additional infrastructure, not included in the 106 agreement were to be funded through CIL in due course.
88. It is recommended that the application be approved and planning permission be granted subject to the conditions and legal agreement detailed above.

## **Background Papers**

Site and Block Plan, Perimeter Plans and detailed site access plans.

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[Link to application details](#)

[Link to associated documents](#)