

4.2 <u>22/03067/FUL</u>	Revised expiry date 3 April 2023
Proposal:	Demolition of existing buildings. Erection of 18NO. residential units with vehicular access, parking, carports, electricity substation and hard and soft landscaping.
Location:	Causeway House, Tonbridge Road, Chiddingstone Causeway Tonbridge Kent TN11 8JP
Ward(s):	Leigh & Chiddingstone Causeway

Item for decision

This application has been reported to Development Control Committee as the recommendation is contrary to the Parish Council objection and in the absence of a Local Ward District Councillor.

RECOMMENDATION A: That the committee resolve, 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 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, 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.

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.

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.

Informatives

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

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

3) 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.

4) It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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:

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.

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 comprises 0.42 hectares of land on the southern side of Tonbridge Road broadly opposite the junction with Camp Hill. It is located on the western edge of the village of Chiddingstone Causeway.
- 2 Chiddingstone Causeway is a linear village which is focused along the Tonbridge Road and Camp Hill. The village has a grocery store (Causeway Stores), the recently redeveloped Causeway Village Hall and the Little Brown Jug Public House.
- 3 There is a recreation ground in the centre of the village, with St Luke's Church situated on the eastern side of the settlement.
- 4 The village is served by Penshurst Station on the Redhill to Tonbridge Line with trains running hourly between London Victoria and Tonbridge via East Croydon.
- 5 The application site comprises a large office and warehouse complex which ranges from one to two storeys in scale and a range of roofscapes. The frontage buildings which face onto Tonbridge Road exhibit a domestic appearance of brick and tile hanging facades with hipped roofs with the more industrial appearing buildings being situated to the side and rear of the site.
- 6 To the immediate east of the site is another series of commercial buildings (Units 1-4) of Leavers Trading Estate. The buildings are surrounded by hardstanding and delivery and parking areas.

- 7 There is an existing site access from Tonbridge Road which is also shared with the other commercial units.

Description of proposal

- 8 The application seeks planning permission for the demolition of the existing commercial buildings and the erection 18 residential units with 41 no. off-street parking provision, carports and hard and soft landscaping.
- 9 The housing mix proposed consists of:
- 4no. x 2 bed
 - 10no.x 3 bed
 - 4no. x 4 bed
- 10 These properties will consist of 2 and 2 ½ storeys and will have pitched roof and gable ends. All buildings will use traditional materials which reflect Kentish vernacular.
- 11 The new vehicular access will provide access to 41no. Parking spaces including visitor provision. These will consist of surface level parking and carports.

Relevant planning history

- 12 Not applicable

Policies

- 13 National Planning Policy Framework (NPPF)
- 14 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay. The same paragraph states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development 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.
- 15 Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

16 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Type and Size
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP9 Infrastructure Provision
- SP11 Biodiversity
- LO1 Distribution of Development
- LO8 The Countryside and the Rural Economy

17 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- EMP5 Non-allocated Employment Sites
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Points

18 Other

- Kent Parking Standards
- Development in the Green Belt SPD
- Affordable Housing SPD
- National Planning Practice Guidance
- CIL Regulations

Constraints

19 The following constraints apply:

- Metropolitan Green Belt
- High and Medium risk of surface water flooding

Consultations

20 Chiddingstone Parish Council - Objects for the following reasons:

- The proposed access to the proposed creates a serious safety issue as the proposed access is opposite the junction with Camp Hill.
- No provision of affordable housing

- 21 UK Power Network - No response received
- 22 Natural England - No response received
- 23 National Highways - No objection
- 24 Environment Agency - No comment
- 25 South East Coast Ambulance Service - No response received
- 26 KCC Local Lead Flood Authority - No objection subject to conditions relating to SuDs, Flood Emergency Action Plan.
- 27 KCC Highways - No objection subject to conditions relating to off-site highway improvements, construction management plan, provision and maintenance of visibility splays, provision and retention of parking spaces, provision of cycle storage, Provision of electric vehicle chargers, closure of existing site access.
- 28 KCC Archaeological Officer - No objection subject to condition
- 29 KCC Economic Development - “The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”

Request has been made for the following contributions:

Secondary Education - £93,168

Primary Education - £79,072.02

Community Learning - £295.56

Youth Service - £1,179

Library Service - £998.10

Social Care - £2,643.84
- 30 Kent Police - No objection subject to condition relating to secure by design conformity
- 31 KCC Public Rights of Way - No response
- 32 SDC Planning Policy - No objection raised
- 33 SDC Urban Design Officer - No objection raised
- 34 SDC Tree Officer - No objection require further details of landscaping

- 35 SDC Housing Policy - Vacant building Credit will apply, no affordable housing is required.
- 36 SDC Environmental Health - “I have reviewed the submissions and am satisfied that the noise assessment characterizes the site and noise impacts top the site accurately and that the noise mitigation measures will be effective, therefore providing that proposed mitigation measures within the RSK Acoustics Report Ref. 2061130-RSK-RP-001-(03), I have no adverse comments regarding this aspect of the proposal.
- 37 The contaminated land assessment included details of an intrusive investigation and the outline of a possible remediation proposal. Therefore if you are minded to grant permission for this application I recommend a condition requiring a details remediation strategy to be agreed in writing by the local planning authority prior to implementation and on completion of all remedial works the applicant should provide a verification report to be agreed in writing by the local planning authority prior to first habitation of any dwelling.
- 38 I have no other adverse comments or observations regarding the proposal”
- 39 Southern Water - No objection
- 40 SES Water - No response received

Representations

- 41 1 representation neither supporting nor objecting to the scheme but make reference to localised surface water flooding issue.
- 42 3 objections received. Objecting for the following reasons:
- Loss of trees
 - Surface water flooding
 - Highway safety and inadequate parking provision
 - Lack of affordable housing provision
 - Increased noise and light pollution
 - Bland character and appearance of the development proposed

Chief Planning Officer’s appraisal

- 43 The main planning considerations are:
- Principle of development:
 - Green Belt
 - Loss of a Non-Allocated Employment Site
 - Surface Water Flooding
 - Efficient use of Land
 - Housing Type and Size
 - Density
 - Affordable Housing

- Impact on the character of the area
- Impact on residential amenity
- Highways, access and parking
- Ecology and Biodiversity
- Other Issues

Principle of the development

44 Green Belt

45 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

46 Core Strategy Policy LO8 (The Countryside and the Rural Economy) of the Core Strategy states that the extent of the Green Belt will be maintained.

47 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.

48 Paragraph 149 of the NPPF states that a "local planning authority should regard the construction of new buildings as inappropriate in the Green Belt". However, a list of exceptions are provided, including the:

49 "(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."

50 It is therefore first necessary to establish whether the proposed development would be considered inappropriate under the criteria of paragraph 149(g) in order to determine whether it should be considered inappropriate. This is the only exception relevant to this development.

51 Whether the development is inappropriate development in the Green Belt

52 In applying the test, the first requirement is to establish whether the site is previously developed land, which is defined by the NPPF as:

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

53 The land is occupied by a number of permanent buildings, structures and hard surfacing, which are currently vacant but previously used for various commercial activities for a number of years. As such the site can be considered as previously developed land.

54 Turning to whether the development would have a “greater impact on openness”, 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 - so 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.

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

	Floor area/volume	Change	% change
Existing Buildings m ²	2398.4m²		
Proposed development m²	1053m²	-1345.4	-56.1%
Existing Buildings m ³	9861m³		
Proposed development m³	7795m³	-2066	-21%

56 In terms of height, the existing buildings on the site range from single storey to two storey buildings. The distribution of buildings on the site would be subject to a notable change, with substantially large building being replaced with low density, dispersed buildings.

57 Taking into account the substantial decrease in built development on the site, it is clear that the development would have a lesser impact on the

openness of the Green Belt within the site. It is therefore concluded that the development must be considered as appropriate development in the Green Belt.

- 58 Degree of harm to openness and purposes of including land within the Green Belt
- 59 The development will result in a lesser impact on openness given the change in volumes of built development; as such, there would be no harm in principle to the Green Belt. Notwithstanding this, it is relevant to assess the degree of harm to the Green Belt resulting from the development, both in terms of openness and the impact on the purposes of including land within the Green Belt.
- 60 It is clear from the calculations above that there would be a decrease increase in built development on the site. The degree of impact is mitigated by the fact that the existing site comprises entirely of a collective of commercial buildings and hard standing. It is considered that there would be no harm to openness within the site boundaries. By virtue of the layout of the development, it is considered that it would to some degree, enhance the openness of the Green Belt due to the dispersed nature of the built form.
- 61 From beyond the site boundaries, however, the impact on openness would be very limited, as the development would be viewed in the context of the surrounding development within the village and the adjacent commercial buildings.
- 62 Based on the above considerations, the proposed development would not result in harm to the purposes of including land within the Green Belt.
- 63 In summary, the development would have a lesser impact on the openness on the Green Belt within the site and be appropriate development within the Green Belt.
- 64 Loss of a non-allocated employment site
- 65 It has been established that the site is in existing employment use, comprising a mix of office, light industrial and warehousing use.
- 66 Core Strategy Policy LO1 states that development will be focussed within built confines of existing settlements, while Policy LO8 confirms that the extent of Green Belt will be maintained.
- 67 Both Policy SP8 of the Core Strategy and Policy EMP5 of the ADMP seeks the retention of non-allocated employment site, to which this is, seeks to retain sites that are used for business purposes. These sites will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes. For these sites to be released, the site would have to been unsuccessfully marketed for employment use for a period of at least six months.

- 68 The submitted marketing assessment states that the previous owners of the site decided that it was surplus their requirements and that the building needed significant investment to continue to operate as a commercial building. The site was then placed on the market from January 2022 for 10 months across two separate marketing campaigns. The marketing assessment states that only one telephone enquiry was received during this time with potential interest. However, this was quickly discounted by the commercial enquirer, as the site was not adequate for their needs.
- 69 Following the comprehensive marketing campaign and subsequent review of the site, it was concluded that:
- The location is not suitable for a vast majority of commercial occupiers.
 - The vast majority of enquiries made of the property were from parties who were ultimately not interested in the building or site.
 - There was no serious interest from commercial developers - namely its location, condition and the design of the unit being unsuitable for modern commercial requirements.
 - The size of the commercial accommodation is far too large for most commercial occupiers who would consider the location and does not lend itself to sub-division.
 - The existing building in terms of condition and configuration, requires significant investment to render it fit for purpose for most commercial uses which is not viable given the likely rent to be generated by the property.
- 70 Upon considering the submitted marketing evidence, it clearly demonstrates that the site is not suitable for continued commercial use and that there is no reasonable prospect of its take up or continued use for business use at the site/premises in the longer term. Therefore it is considered release of the site from a commercial use is accepted in planning terms. SDC Planning Policy has raised no objection to the release of the site from employment. The proposal complies with Policy EMP5 of the ADMP.
- 71 Surface Water Flooding
- 72 The site is within a Flood Zone 1, however part of the site is within an identified as high risk surface water (overland flow) Flood zone - which is not fluvial but an area that would be impacted by flash flooding from surface water. This too has also been cited by third party representations.
- 73 The EA's surface water flood map (Figure 4.2) shows that the site sits within an overland flow path that follows the course of the unnamed watercourse along the western boundary of the site. The surface water flood risk on site is classified as 'high' within the central and western areas, reducing to 'medium' and 'low' in the eastern part of the site fronting Tonbridge Road.
- 74 Surface water flooding occurs when rainfall cannot infiltrate into the ground and flows across the surface of the land, following the local topography. In the case of this site, overland flow appears to be conveyed in a westerly direction across the site towards the adjacent watercourse. The watercourse

carries this water away in a southerly direction, but the flow beneath the railway line to the south is restricted by the size of the culvert beneath the railway. The capacity of the watercourse to accept surface water runoff is therefore impeded, and runoff backs up to the north of the railway line and onto the subject site during extreme events.

- 75 Within the applicant submissions the Flood Risk Assessment models that the surface water flooding within the site would be caused by ‘flash’ events with water levels responding quickly to rainfall but flooding would start to recede approximately 3-4 hours after the site is first inundated. As such the dwellings have been designed with flood resilient features i.e. ground floor finished floor of the properties levels have been raised at least 300mm above surrounding ground levels.
- 76 The National Planning Policy Framework states that more vulnerable development, which includes new homes, should be located in areas of lowest flood risk, unless it is demonstrated, including through the application of a sequential test approach, that there are overriding reasons to do so. The proposal is accompanied by a Flood Risk Assessment but not a sequential test. That said, the Environment Agency has not objected to the proposal and the Local Lead Flood Authority has recommended conditions to be imposed if planning permission is approved.
- 77 Paragraph 120(b) of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes to which this site will bring. Further to this, it is recognised that the District is highly constrained and that regeneration of brownfield sites, especially within Chiddingstone is limited as there is one other brownfield site within the Parish albeit, a lot smaller than this site. This site is a previously developed land that is vacant and deliverable. It is noted that the Council does not have sufficient land supply to deliver its housing need for the required five-year period. Therefore taking into consideration that the site is available to be developed and would be deliverable, it can make a modest but valuable contribution to the overall Districts housing supply.
- 78 Taking the above into account, and given that there is no historical evidence of surface water flooding being to the same extent as hypothetically modelled, as shown on the EA’s mapping, it is not considered that it would be appropriate to apply the sequential approach to this proposal. Nothing within the submitted flood risk assessment indicates that the scheme would result in any unacceptable flood risk to people or property (subject to the making the development more flood resilient which can be secured by condition) and that the proposal would not increase flood risk elsewhere. These can be considered as exceptions that justify the siting of new dwellings in this location. As such, in light of the site-specific circumstances, on balance there is no reasonable justification to refuse the proposal on this ground.
- 79 Efficient use of land
- 80 Paragraph 120 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and also to promote and

support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.

- 81 Further to this Paragraph 124 (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 82 The National Planning Policy Framework defines previously developed 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’.
- 83 The application site is occupied by buildings with associated hardstanding. The site is considered to represent previously developed land. Due to the location, the development is required by the NPPF to make efficient use of said land.
- 84 In conclusion, and subject to further consideration of other material considerations, the proposed development would help deliver on a current, identified need for housing within the District, would enhance the openness of the Green Belt and the loss of the employment site would not have a detrimental impact upon the rural economy. Therefore the principal of the re-development of the site is accepted.

Housing size and Type

- 85 Policy SP5 of the Core Strategy states that the council will expect new development to contribute to a mix of different housing types in residential areas, taking into account of specific local circumstances. The policy guidance indicates that the Strategic Housing Market Assessment (SHMA) recommends the following targets:
- 20% - 1 bedroom
 - 30% - 2 bedroom
 - 35% - 3 bedroom
 - 15% - 4 bedroom
- 86 The guidance states that an average of 50% 2 bedroom units across all developments. The proposal seeks the creation of 18 residential units. These would be broken down into:
- 4 x 2 bed (22%)
 - 10 x 3 bed (56%)

4 x 4 bed (22%)

- 87 The proposal would not meet 50% of all units comprising 2 bedrooms, however this is set as a general average across the district and this development would provide at a level of 22%. Notwithstanding this, the development would be located in an existing settlement with links to public transport and the provision of the units sought would be appropriate to the location.
- 88 The proposal would generally reflect the housing size and type required by policy SP5 of the Core Strategy.
- 89 Overall, the proposal would seek the redevelopment of previously developed land in this Green Belt location. The housing type reflects the requirements of the District.

Density

- 90 Policy SP7 of the ADMP states that new housing will be developed at a density that is consistent with achieving good design. The policy states that outside urban areas new residential development would be expected to achieve a density of 30 dwellings per hectares (dph). The policy recognises that development that fails to make efficient use of land for housing may be refused permission.
- 91 The density figure of 30dph is a base line figure i.e. development should at least meet 30dph as a minimum. Density of development calculations do not always illustrate the formation of a development. Density is not a proxy for well-designed buildings and functional open spaces.
- 92 The key test of policy SP7 is how the proposal would perform against design criteria and impact on the character of the area, rather than how the development performs against the density figure.
- 93 Paragraph 125 of the National Planning Policy is clear that:

‘.....Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site’.
- 94 The proposed development would result in an approximate density figure of 39dph for the site as a whole. Against the design criteria the proposal is considered of good quality design and as such the density, even though it is slightly higher than 30dph, is considered appropriate for this location and makes efficient use of the land in accordance with SP7 and paragraphs 120, 125 of the NPPF.

Affordable Housing

- 95 Policy SP3 of the Core Strategy states that the Council expects the provision of affordable housing in all types of residential development. The policy

considers that in all residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable.

- 96 The proposal does not seek the provision of affordable housing units. The proposal would not comply with policy SP3 of the Core Strategy. Policy SP3 is out of date with national policy and is superseded by the NPPF. Paragraph 64 of the NPPF states that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”

- 97 National planning policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

- 98 Vacant building credit only applies in the following circumstances:

- There is a building in existence at the time the decision is made on the application. Buildings already demolished cannot count.
- The building must be vacant at the time of the decision. Occupied or partly
- occupied buildings cannot count, neither can occupied buildings that are expected to become vacant.
- The building must be brought back into use or demolished as part of the
- development. Vacant buildings on a site that do not form part of the development proposal cannot count.

- 99 The development complies with all the above.

- 100 The Affordable Housing SPD sets out how vacant building credit is calculated. In this instance there would be a clear reduction in floor area as a result of the re-development of the site, from **2396.4m²** to a proposed floor area of **1053m²**. As such, in accordance with paragraph 64 of the NPPF and the Councils Affordable Housing SPD, no affordable housing is required in this instance. This has also been confirmed by SDC Housing Policy.

Impact on the Character of the Area

- 101 The relevant policies relating to design and the character of the area are Policies EN1 of the ADMP and SP1 of the Core Strategy. The NPPF highlights good design as a key aspect of sustainable development, creating better places in which to live and work and making development acceptable to

communities (paragraph.126). Planning decisions should ensure developments function well and add to the quality of an area over the lifetime of the development, are visually attractive and are sympathetic to local character. They should also optimise the potential of the site to accommodate an appropriate amount and mix of development (paragraph 130).

- 102 The character of the site is defined by its current and former uses, dominated by a cluster of commercial buildings, set around yard space and a shared access road.
- 103 Overall, the site itself is considered of little townscape or landscape value, with utilitarian buildings and surfacing located within the confines of the village. The only area of distinctiveness is in the front boundary landscaping to the frontage of Tonbridge Road.
- 104 Beyond the site boundary to the site boundaries, and to the east and north of the A20, the landscape is characterised by settled farmland, with gently undulating slopes overlain by agricultural fields and scattered farmsteads and built development. The character and screening around the site results in it being spatially separated from the countryside beyond.
- 105 The site sits in a natural depression and, with the partial screening afforded to the site by boundary planting and surrounding development/road infrastructure, has limited visibility from surrounding views. These are limited principally to immediate, glimpsed views from the adjoining roads, with some seasonable glimpsed views from the surrounding countryside.
- 106 The proposed development will undoubtedly change the character of the site, which would be residential development. The redevelopment of the site will significantly enhance the visual amenity of the area and the entrance to the village when travelling west to east. The existing building that detracts from the vista into the village and the proposed scheme would provide a more harmonious development within the settlement.
- 107 The new buildings would reflect the Kentish vernacular with a palette of materials representative of this building typology and sympathetic to architectural styles found within the locality. The scale of the buildings are considered to be appropriate and sympathetic to those within the locality.
- 108 The submitted arboricultural report identifies that six trees are to be removed to facilitate the proposals. Four of these trees are of moderate quality and two of low quality and are non-native species. The loss of the trees will be mitigated through new planting within the site. This is detailed within the Landscape Strategy / Masterplan which outlines that 6no. new native trees will be planted along the front of the site in a robust landscaping scheme. Further new trees are also proposed within the centre of the site. The scheme as a whole, would over time, assist in softening the impact of buildings and integrate the development into the street scene and improving the quality of the environment and the surrounding area. The SDC Tree Officer has raised no objection, however further details are required, which can be secured by condition.

- 109 During the course of the application, the Councils Urban Design officer has been consulted and amendments have been made to the scheme. As such the Urban Design Officer raises no objection to the scheme.
- 110 Overall, it is considered that the proposed scheme has adopted a sensitive approach to delivering a small residential development on the site. With appropriate landscaping, the development would sit comfortably on the site and integrate successfully into the surrounding area. It would therefore accord with the national and local policy requirements as highlighted above.

Impact on Residential Amenity

- 111 Policy 130 of the NPPF states that planning decisions should ensure developments meet a number of requirements, including creating places that have a high standard of amenity for existing and future users.
- 112 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by complying with a number of criteria. These include preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 113 At paragraph 185 of the NPPF, it states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 114 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of nearby properties. Policy EN7 of the ADMP states that proposals that meet the following criteria will be permitted:
- a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and
 - b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.
- 115 It is acknowledged that the site is adjacent the industrial units to the east at a distance of approximately 10 metres to the east of the nearest proposed dwelling's façade and the existing access that will continue to the commercial units.

- 116 A boundary fence is proposed along the easternmost boundary of site between the development and commercial units, with the proposed residential unit's facades facing northeast and southwest.
- 117 A Noise Impact Assessment has been submitted with the application, which considers the existing noise environment across the site was largely comprised of vehicular movements along Tonbridge Road to the north and intermittent rail noise to the south. Industrial noise resultant from chiller units to the east was audible along the eastern façade of the existing development, with road noise and vegetation noise masking any industrial noise away from the eastern façade.
- 118 The assessment concludes that all noise sources can be effectively mitigated such that there would be a negligible impact upon the amenities of the occupiers of the proposed development. This is dependent on a number of mitigation factors that would be subject to condition, including the installation of specific glazing units with acoustic trickle vents.
- 119 Noise at the construction phase would also be controlled through a Construction Management Plan, to be agreed with the local planning authority before works commence.
- 120 SDC Environmental Health Officer agrees with the assessment and with the noise mitigation measures proposed. With the imposition of the proposed conditions, it is considered that an appropriate noise environment can be maintained for the future residents.

Contamination

- 121 SDC's Environmental Health Officer has reviewed the Phase 1 Contaminated Land Assessment submitted with the application and confirms its findings as reliable. The assessment finds that the site is likely to be suitable for the proposed residential use, subject to further intrusive site investigations and appropriate remediation and validation testing. The Officer has recommended conditions to ensure the necessary decontamination works are implemented.
- 122 With the recommended conditions, it is considered that contamination can be appropriately addressed such that the site and development would not pose unacceptable risks to human health or to ground water sources, property and ecological systems.
- 123 Outlook, visual amenity and privacy
- 124 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 125 It is also important to reflect on paragraph 125 (c) of the NPPF

'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing,

authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.

- 126 As previously mentioned the residential development is predominately northeast and southwest facing. The layout of the site has been proposed to cause minimal impact upon the amenities of the future occupiers of each unit within the site and the siting of the units would give a pleasant outlook for those occupants.
- 127 All the residential units proposed would meet or exceed the minimum space standards.
- 128 The existing residential units to the northern side of Tonbridge Road would not be significantly affected by the proposed development due to the separation distances between properties.
- 129 Overall the development would comply with Policies EN2, EN7 of the ADMP.
- 130 In terms of external lighting within the development, further details can be secured by condition.

Highways, Access and Parking

- 131 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'.
- 132 Policy T1 of the ADMP states that new development will be required to mitigate any adverse impacts that could result from the proposal. Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision for non-residential developments should be made in accordance with advice by Kent County Council has the Highway Authority. Policy T3 of the ADMP also seeks the delivery of electric vehicle charging points.

Access and movement

- 133 The existing site access adjacent to the junction of Tonbridge Road is proposed to be closed a new access will be created to facilitate access into the development. Essentially will sub-divide the current commercial site into differing planning units.
- 134 The assessment of the access has taken into account surveyed traffic speeds along this stretch of road and accident data, which showed no accidents associated with the current access.
- 135 Trip generation is predicted within the Transport Assessment utilising data from the TRICS (Trip Rate Information Computer System) database, which provides a source of data on trips rates for types of development in the UK and is used as an industry standard. The results show that, assuming the worst
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case (Residential - 18 units), 11 two-way vehicle trips would be generated in the morning 'AM' Peak and 12 two-way vehicle trips in the afternoon 'PM' peak. The Highway Authority has commented that, "it has been shown that the likely number of vehicle movements in and out of the residential development site would be significantly less than that from the existing industrial use. The impact on the local roads is therefore not of concern."

- 136 The proposed internal road layout complies with Kent Design Guide and provides offers sufficient circulation space for larger vehicles e.g. refuse freighters, to turn on site.
- 137 The scheme proposes the creation of a separate access to the residential development. To ensure the safety of this access, appropriate visibility splays from the proposed new access of 120 metres x 2.4 metres to the west and 43 metres x 2.4 metres to the east can be provided and planning permission would be conditional on these being in place prior to occupation and for the life of the development. The arrangement of the new access of the opposite junction of Tonbridge Road with Camp Hill will be improved to increase the safety of the junction by reducing the junction radii to slow vehicles turning into Camp Hill and removing the pinch point of Tonbridge Road opposite the junction on the development side. A preliminary Road Safety Audit has been undertaken and KCC Highways have informally acknowledged that the off-site highway works could be undertaken. The off-site highway works can be secured by condition.
- 138 The concerns raised by the Parish Council and third parties have been considered. There is no justification to refuse this proposal on highway safety matters as these issues have been satisfactorily addressed.

Parking

- 139 Policy T2 of the ADMP requires that parking for residential developments should be made in accordance Appendix 2 of the ADMP. In this respect, the parking provision for the proposed development is 34 spaces which are allocated to the dwelling and a further 7 visitor parking spaces. This exceeds minimum parking standards.

Cycle storage

- 140 The development would provide 2 cycle storage spaces per unit. This can be secured by condition to ensure sufficient on-site cycle provision and assist in providing alternative modes of movement.

Electric Vehicle Charging provision

- 141 Policy T3 of the ADMP seeks electric vehicle charging provision to be present in new development. The charging provision can be secured by planning condition and would comply with Policy T3 of the ADMP.

Construction phase

- 142 The Highways Officer has recommended that the proposal is conditioned to provide a Construction Management Plan to limit the impact on the highway during the construction process. A condition would be applied to any grant of consent.

Summary

- 143 Paragraph 111 of the NPPF is clear that development should not be prevented on highway grounds unless the impact is severe. The proposal would not result in a severe impact and would have an acceptable overall impact on the junctions and highway network. KCC Highways nor National Highways have raised no objection to the proposal. The proposal is considered to comply with highways and parking policies EN1, T1, T2 and T3 of the ADMP, subject to condition.

Ecology and Biodiversity

- 144 Paragraph 174 of the NPPF sets out a number of principles relating to the conservation and enhancement of the natural environment. This includes that requirement that development should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Development resulting in significant harm to biodiversity should be avoided, adequately mitigated or compensated for, or, as a last result, refused (para.180). Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 145 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Policy EN1 of the ADMP states that proposals should incorporate natural features such as trees and hedges.
- 146 The application site is currently almost entirely developed, covered by buildings and hard surfacing. Specific surveys were undertaken in respect of bats, badgers and great crested newts. These have confirmed the presence of a Brown Long-eared bat day roost one of the buildings within the site.
- 147 The presence of protected and notable species has been carefully considered as part of the proposal. Further ecological mitigation and enhancement measures are included within the ecological survey, including proposals to create new wildlife habitats within the developed site.
- 148 The KCC Ecology Officer has reviewed and verified the information and has proposed that planning permission be subject to conditions requiring a bat mitigation strategy to be secured and enhancement of ecology on the site, and for a bat-sensitive lighting plan to be submitted and approved.
- 149 Overall, the scheme would allow for the conservation of biodiversity assets and, through additional planting and screening, would deliver a net benefit in terms of landscape and biodiversity in accordance with SP11 of the Core Strategy.

Other Issues

- 150 KCC Economic Development have raised requests for funding for services that the County Council provide via s106 funding arrangements. The applicant has agreed to pay for education contribution via a Section 106 agreement, as the development would create further demands on Primary and Secondary education provision. As such, it is considered that the request for education monies is reasonable and necessary to ensure mitigation against impact on infrastructure provision. This would accord with policy SC1 of the ADMP and SP9 of the Core Strategy.
- 151 With regard to other monies as requested by KCC, it is considered that those contributions can be delivered via CIL receipts, as Sevenoaks District Council is a CIL charging authority.
- 152 An Energy & Sustainability Statement has been prepared in support of the proposed scheme application. The statement confirms that overall regulated emissions have been reduced by 66.73% over and above the baseline model though passive design measures and implementation of efficient services. It also proposes the use of an air source heat pump system to deliver the heating and hot water demands to the development. These details of the use of the ASHP within the scheme can be secured by condition. As such the development would comply with Policy SP2 of the Core Strategy.
- 153 The site is not within an area of archaeological potential however the site is of historic interest relating to the establishment and operation of Dukes Cricket Ball factories. Some buildings identifiable on the 1st Edition OS map (1862 - 1875) may survive as foundations on the site, representing remaining evidence of an important local industry with 19th century origins. In view of the archaeological potential, as recommended by the KCC Archaeological Officer, it would be reasonable to impose a condition to allow for investigation and any finds to be recorded and preserved in accordance with Policy EN4 of the ADMP.

Community Infrastructure Levy (CIL)

- 154 The development would be CIL liable.

Planning Balance

- 155 Paragraph 11 of the National Planning Policy Framework States that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposal that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission 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; or

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.

156 Footnote 7 of paragraph 11 d) states:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

157 The presumption in favour of development applies in this instance as Sevenoaks District Council can only demonstrate a 2.9 year supply (inclusive of the buffer), which falls below the required 5-year supply. Furthermore, Sevenoaks District Council Housing Delivery Test is below the 75% threshold.

158 As noted above there is no identified harm by policies within the NPPF that protect assets of particular importance. As such the presumption in favour of the development is engaged.

159 The proposal would deliver a small but valuable contribution of homes which attracts substantial weight, given the acute housing land supply position.

160 The NPPF emphasises the need to make effective use of land in meeting the need for homes and other uses (paragraph.119). Substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs, and to promoting the use of underutilised land and buildings (paragraph.120).

161 Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account identified needs for development, and the availability of land suitable for accommodating it to which that this site is available and can deliver.

162 The proposal would have the benefit of providing much needed housing in the Sevenoaks area. A large part of the District is designated Green Belt and some of this also in Areas of Outstanding Natural Beauty in which restrictive development policies apply. It therefore makes sense to make full use of a site that can complement the village without compromising its character and appearance of the area. Furthermore, there are also some social and economic benefits from such a scheme, by providing jobs in the short terms during construction and it would also assist with the support of local services within village. The proposal would minimise the need to build in areas of greater sensitivity, and these issues carry moderate weight. The

delivery of the proposed scheme would outweigh and any harms that have been previously identified.

Conclusion

163 The proposed development constitutes as appropriate development in the Green Belt. The development would appropriately preserve the amenity for neighbouring residents and maintain highway safety for all users. The development will conserve and enhance biodiversity and landscaping, and would make efficient use of previously developed land. It also means that the proposed development would not conflict with any relevant development plan policies, and that in accordance with paragraph 11(c) of the Framework, this application should be approved without delay.

164 It is recommended that the application be approved and planning permission be granted subject to conditions and the legal agreement as set out in the recommendation above.

Background papers

Site and block plan

Contact Officer(s):

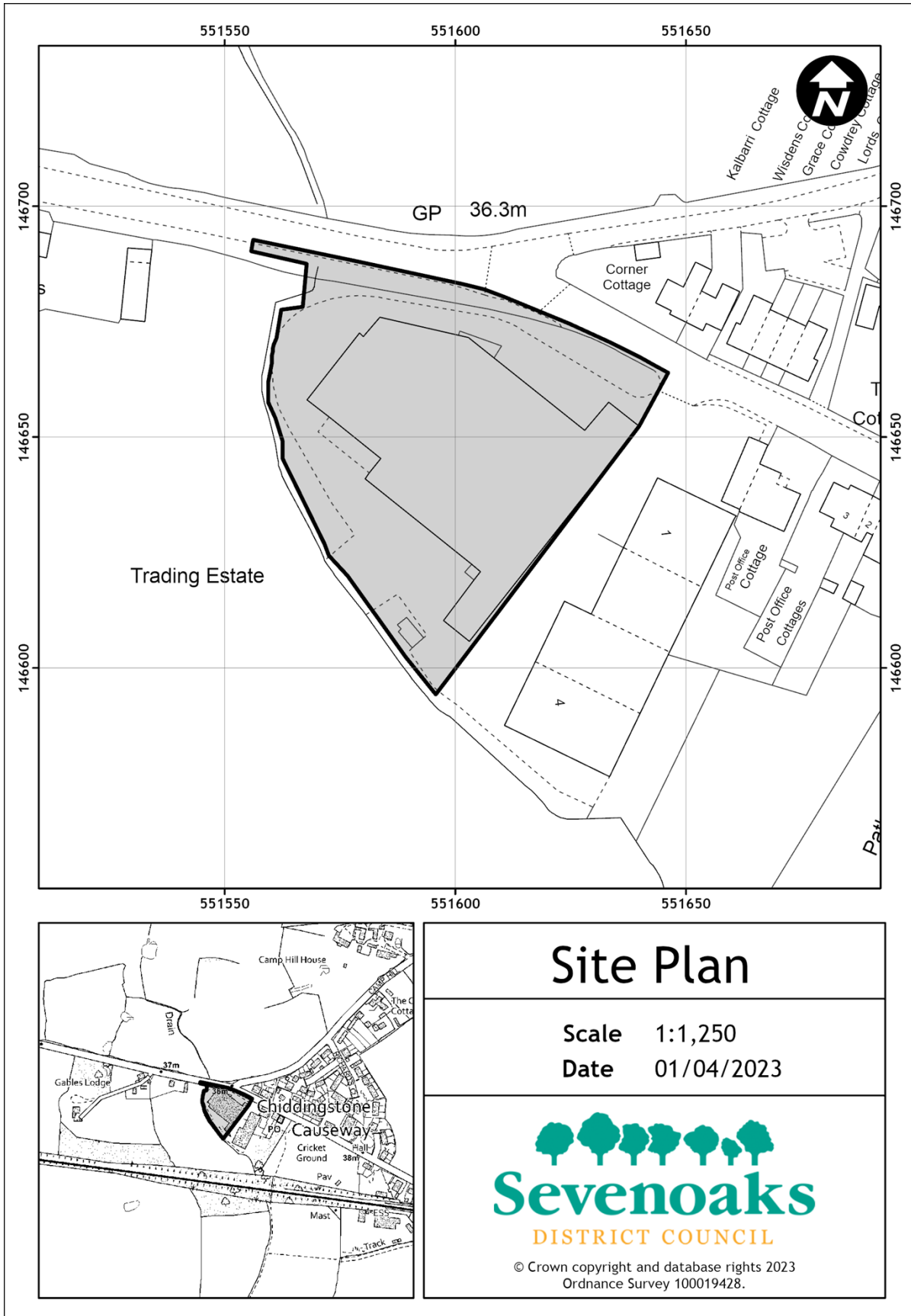
Sean Mitchell: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)

BLOCK PLAN



Site Plan

Scale 1:1,250
Date 01/04/2023



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Ordnance Survey 100019428.

BLOCK PLAN

