

4.1 20/02988/OUT Revised expiry date 20 August 2021

**Proposal:** Outline application for the erection of 340 dwellings, including affordable housing, land for a 4FE secondary school including playing fields, land for a new twin hall venue for Edenbridge Scout Group, creation of a new car park for Edenbridge Town Station and associated infrastructure improvements, allotments, associated access from Four Elms Road, emergency access, open space, attenuation areas and landscaping and some matters reserved save for means of access.

**Location:** Land North Of Town Station Cottages, Forge Croft, Edenbridge KENT TN8 5LR

**Ward(s):** Edenbridge North & East

#### **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 nature being major development within the Green Belt.

**RECOMMENDATION A:** That the committee resolve that application that planning permission be GRANTED subject to:

- a) Refer the application to the Secretary of State as major development in the Green Belt, to decide whether to call the application in, and
- b) The conditions set out below, subject to any minor changes to wording being agreed in writing by the Chief Officer for Planning and Regulatory Services, and
- c) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 30 November 2021, 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:

- Affordable Housing comprising of 40% affordable housing to be provided on site of which 65% of the affordable properties to be provided as Affordable Rented / Social Rented - 35% of the affordable properties to be provided as Intermediate Housing;

- Highways Contributions comprising:

£20,000 towards relining and resurfacing works in the vicinity of the Four Elms Village crossroads;

- £1,000 to be used by Edenbridge Town Council/Hever Parish Council to help fund traffic surveys in the village of Four Elms;

- Travel Plan monitoring fee of £948;

- £14,000 towards the provision of 2no. bus stops on the site;

- £40,000 to be used for improvements to the sections of Public Right of Way of SR603 and SR604 adjoining the site and linking to the land;

- Provision of 0.29ha of land for new allotments - each plot to be 6m x 9m together with an associated allotment car park (to be provided and transferred to Town Council subject to them confirming required).
- Open Space to be provided on site (and transferred to a management company for future maintenance) comprising of areas of land for amenity greenspace and areas of land for semi natural greenspace;
- 0.104ha of children's play space to be provided as 6 Local Areas of Play (LAP's) and 1 Local Equipped Area of Play (LEAP) unless otherwise agreed;
- The safeguarding and transfer (if called for during a specified period) of 0.37ha of land for the construction of a new scout hut for Edenbridge Scout Group; and £200,000 towards the construction of the scout hut and ancillary facilities (i.e. car-parking and outdoor facilities) thereon if the land is taken;
- The safeguarding of 5.3ha of land to accommodate a secondary school and associated sports facilities and playing fields and its transfer to an education provider if called for within a specified period of time;
- The creation of a new parking area for 36 spaces, pick-up and drop off area and a step-free access ramp leading to the platform at Edenbridge Town Station either through the direct provision by the developer or the provision of land and utilisation of the financial contribution referred to below;
- £1,000,000 contribution payable to Network Rail to be used for safety improvements to the Little Mowhurst level crossing and infrastructure improvements (including new ticket machines, barriers, signage, any project to provide a new passenger footbridge and (if delivered by Network Rail) the new parking area) at Edenbridge Town Station;

- Provision of land and creation of 6 parking spaces for use by residents of Town Station Cottages.

1) Application for approval of the reserved matters for the first Phase of the development shall be made to the local planning authority not later than 3 years from the date of this permission. Application for approval of the reserved matters for all other Phases shall be made not later than 5 years from the date of this permission. For the purposes of this permission all references to a "Phase" or "Phase of development" shall be interpreted as being a reference to a Phase as defined on the phasing plan approved or subsequently updated pursuant to condition 4.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) The development shall be begun not later than whichever is the later of the following dates:- the expiration of 2 years from the date of approval of the last reserved matters application for the first Phase or the expiration of 5 years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 3) Before any development in each Phase is begun plans showing the:
- a) appearance;
  - b) landscaping;
  - c) layout, including any pedestrian access into and within the site, and vehicular access within the site which serves the Phase; and
  - d) Scale.

To accord with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended.

4) As part of, or prior to, the submission of the application for reserved matters for the first Phase of development, a phasing plan setting out the boundaries of the proposed phases of the development across the whole site shall be submitted to and approved in writing by the local planning authority. The phasing plan shall include a programme for the layout out of the access roads into the site. Thereafter each reserved matters application for a Phase submitted pursuant to Condition 3 shall be accompanied by an updated phasing plan. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated or required by other conditions of this permission.

To ensure the satisfactory delivery of elements of the proposed development and

to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Development shall not begin in any Phase 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 upon the Flood Risk Assessment compiled by WSP (September 2020, Version 2). The submission shall also 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.

Phasing for the drainage scheme shall be submitted and approved, including any needed temporary works, specific provisions per phase or other strategic drainage infrastructure. The drainage scheme shall also demonstrate (with reference to published guidance):- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including and 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.

6) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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.

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.

7) If, during the course of development of a Phase, contamination not previously identified is found to be present in that Phase, no further works shall be undertaken in the relevant area of that Phase and the contamination shall be

reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 working days from the find). Prior to further works being carried out in the relevant area of that Phase, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme submitted to and approved in writing by the local planning authority.

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.

8) As part of, or prior to, the first application for reserved matters, a site-wide recreation and open space strategy for the entire site shall be submitted to and agreed in writing by the local planning authority. The strategy should be in broad accordance with the areas of open space identified in the section 8.3.3 of the Design and Access Statement and drawing no. 1590-P1-11 Rev.N. Thereafter subsequent Phases shall proceed in broad accordance with the approved strategy, and each reserved matters application submitted pursuant to Condition 3 shall be accompanied by an updated recreation and open space strategy which sets out any proposed changes from recreation and open space strategy previously approved pursuant to this Condition.

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

9) No development within a Phase shall commence until the local planning authority has approved in writing the details of, and arrangements for, the setting out of on-site public open space as part of that Phase of the development. The on-site public open space shall broadly accord with the site-wide recreation and open space strategy pursuant to condition 8, and shall include the following matters in respect of the Phase:

- a) The delineation and siting of the proposed public open space;
- b) The type and nature of the facilities to be provided within the public open space including, where relevant, children's play provision;
- c) The arrangements to ensure that the public open space is laid out and completed during the course of the development; and
- d) An annual maintenance schedule.

The open space for that Phase shall be completed in accordance with the approved details and arrangements for that Phase.

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

10) Before any part of any Phase of the development is brought into use, the relevant proposed means of vehicular and pedestrian access hereby approved as part of that Phase shall be laid out, hard surfaced and drained in broad accordance with the approved plans and completed to a constructional specification approved in writing by the local planning authority.

To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall commence for the school playing fields and MUGA, until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England: (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation of the educational establishment. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12) No development shall commence for the school playing fields until a schedule of playing field maintenance including a programme for implementation for a minimum period of five years starting from the commencement of use of the development has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13) The school playing field/s and pitch/es shall be constructed and laid out in accordance with the condition 12 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use of the educational establishment of the development hereby permitted.

To ensure the quality of pitches is satisfactory and they are available for use before development and to accord with Policy EN1 of the Sevenoaks Allocations

and Development Management Plan.

14) Use of the school playing fields, multi-use games area and athletic track shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing fields, multi-use games area and athletic track and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

15) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 3967-FRA-01, dated September 2020) and the following mitigation measures it details:

As part of the reserved matters details of a completely separate flood storage area to compensate the flood risk from river in the area where the finishing levels of the road, which falls within Flood Zone 3, will be raised above pre-development ground levels.

All Finished floor levels shall be set to whichever is the greater level of the following: a minimum of 300mm above the 1 % AEP ( 35% increased flow) climate change flood level or 50mm above the 1 % AEP ( 70% increased flow) climate change flood level.

Details to be provided that demonstrate finished site levels to be engineered in such manner to prevent ponding. Gradients of external areas to be designed to fall away from dwellings such that overland flow routes resulting from exceedance flood events follow the path of least resistance and be channelled away from proposed properties.

These mitigation measures shall be fully implemented prior to occupation of the first residential unit.

To ensure that flood risks from development to the future users of the land and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 168 of the National Planning Policy Framework.

16) Any applications for approval of reserved matters pursuant to condition 2 shall broadly accord with the parameter plans land use [GIP (drawing ref no. 1590 P1-12 Rev.G )], proposed lighting parameters in the lighting strategy report, Noise and Vibration Assessment dated April 2020, Landscape and Ecological Strategy

dated September 2020.

To ensure that the development achieves high quality design and is in accordance with paragraphs 124, 126 and 127 of the National Planning Policy Framework and policies

17) No development of a Phase, shall take place until a detailed 'Landscape, Ecology, Management and Monitoring Plan' (LEMMP) will be submitted to, and approved by, the local planning authority. This will be in accordance with the measures outlined in the Landscape and Ecology Strategy (Corylus Ecology September 2020) and the Biodiversity Net-Gain Report (Corylus Ecology March 2021).

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

18) Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, prior to the commencement of each phase of development a plan specifying arrangements for the management of the construction site for that Phase shall be submitted to and approved in writing by the local planning authority. The construction plan for that Phase shall include the following details as appropriate:

- a) full details of the contractor's temporary means of access to the site;
- b) hours of delivery of materials;
- c) location of site management offices and/or sales office;
- d) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- e) car parking areas for construction workers, sales staff and customers;
- f) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas
- g) temporary warning and direction signing on the approaches to the site;
- h) implementation of mitigation measures as detailed in Section 7 in the Air Quality Assessment dated June 2020. The construction plan details as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that Phase is completed. In addition, no vehicles involved in the construction of the development of that phase shall enter or leave the site of the development of that Phase except via the temporary means of access within the approved construction



plan for that Phase.

To ensure the provision of proper site construction facilities in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies EN1, EN2, T1 of the Sevenoaks Allocations and Development Management Plan.

19) Prior to first occupation of each dwelling with one or more dedicated vehicle parking spaces, that dwelling shall be provided with access to a fully operational 3 pin socket on a dedicated circuit, capable of providing a "trickle" charge to an electric vehicle. All Electric Vehicle Charging Points shall be provided either within garage space or via outdoor, weatherproof sockets within easy access of the off-road parking areas.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

20) Prior to first occupation of each dwelling with non-dedicated parking, that dwelling shall be provided with Electric Vehicle Charging Points at a rate of no less than 1 per 10 communal parking spaces. This minimum requirement shall comprise access to a fully operational 3 pin socket capable of providing a "trickle" charge to an electric vehicle. All communal Electric Vehicle Charging Points shall be clearly marked with their purpose.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

21) All other types of development (other than housing, scout hut and allotments site) at the site shall provide Electric Vehicle charging facilities and shall include parking at the proposed education facility. Where provided, all Electric Vehicle charging facilities shall be fully operational prior to first occupation or use.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

22) Prior to the commencement of any Phase of residential development, a detailed Travel Plan for that Phase which is in broad accordance with the Framework Residential Travel Plan dated June 2021, and finalises the travel plan measures to be put in place for that Phase shall be submitted to and approved in writing by the local planning authority. The detailed Travel Plan for that Phase shall include reference to Travel Plan measures to be set out within the residents' welcome packs. The detailed Travel Plan for that Phase shall thereafter be carried out and operated as approved.

To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy

23) Six months prior to the occupation of the school, a detailed School Travel Plan which is in broad accordance with the School Sensitivity Impact & Zebra Crossing Feasibility Report dated July 2021, and finalises the travel plan measures to be put in place for the school shall be submitted to and approved in writing by the local planning authority. The School Detailed Travel Plan shall thereafter be carried out and operated as approved.

To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

24) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of any necessary archaeological work:

i) a desk top study exploring the archaeological potential of the site; and if necessary

ii) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and if necessary iii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains, in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

25) Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the local planning authority.

To protect the amenity of the occupants of nearby dwellings and to accord with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

26) No development shall take place over the alignment of Public Footpath SR603 or SR604 until an Order for their permanent diversion has been made and confirmed, and the diverted route has been fully provided and certified, unless otherwise agreed in writing by the local planning authority.

To ensure that public rights of way are properly safeguarded in the public interest in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

27) Prior to the commencement of a relevant Phase that affects existing Public Right of Way SR603 and SR604, further details of their resurfacing shall be submitted to and agreed in writing by the local planning authority. The development shall accord with the approved details and implemented in full prior to the first occupation of a residential unit of a relevant phase, unless otherwise agreed in writing by the local planning authority.

To ensure that public rights of way are properly safeguarded in the public interest in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

28) Prior to the commencement of any phase of the development hereby permitted shall implement mitigation measures in accordance with the Arboricultural and Method Statement and Manual for Managing Trees on Development Site.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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

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

30) The development hereby permitted shall not be used or occupied until the visibility splays shown on the approved 70003967-SK-10 Rev. D have been provided and anything which obstructs visibility at any height greater than 0.6 metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

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

31) Prior to the commencement of each phase of development (or as part of the Reserved Matters application for that phase), further details of the design and the number of the residential dwellings to be constructed in accordance with Part M4(2) of the Building Regulations shall be submitted to approved in writing by the local planning authority. A total of 17 homes across the site shall be built in accordance with the M4(3)b of Building Regulations.

In accordance with Policy SP5 of the Core Strategy.

32) The proposed scout hut and educational establishment hereby approved

shall achieve a BREEAM minimum rating of 'Very Good' or alternative as agreed in writing by the local planning authority. Evidence shall be provided to the Local Authority in the following format and at the following times: i) Prior to first use of the educational/community element of the development, a final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Very Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority. Achievement of BREEAM 'Very Good' or alternative as agreed, must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

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

33) Prior to the first use of the educational establishment hereby permitted the off-site highway works as shown on drawing no. 70003967-SK10 Rev.10 (subject to any revisions thereto as may be agreed with the local highway authority through the detailed design process under the relevant highways agreement) shall have been completed in full to the satisfaction of the local planning authority.

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

34) The development shall be constructed to provide on-site modern communication and technology infrastructure, which should include Broadband, high speed internet cabling and digital TV cabling. Details relating to the provision of such infrastructure shall be submitted prior to the commencement of each phase of the development. No residential unit in any phase shall be occupied until the approved infrastructure has been provided in each relevant phase, or in accordance with an alternative timescale agreed by the Local Planning Authority as part of the approved details.

To provide high quality technological infrastructure in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

35) The development hereby permitted shall be carried out in accordance with the following approved plans: P18099-001D, 7000 3967-SK-25 Rev.A, 7000 3967-SK-10 Rev.D.

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

### **Informatives**

1) Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate

2) 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.

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) 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](http://www.sevenoaks.gov.uk) for further details.

5) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

6) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at: <https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

**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 represents inappropriate development within the Green Belt and would lead to encroachment and urban sprawl. The very special circumstances advanced in this instance are not significant to outweigh the substantial harm to its openness and two out of the five purposes for its designation, contrary to the aims and objectives of the National Planning Policy Framework.

## 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 covers an area of some 27.5 hectares located on the eastern edge of Edenbridge. It consists of a 23.3 hectares area of land owned by Cooper Estates Strategic Land Limited (CESL) and 4.2 hectares at the northwest corner of the Site owned by Kent County Council.
- 2 The site is located within the Metropolitan Green Belt and is outside, but adjacent to the Edenbridge settlement boundary.
- 3 It consists of an area of agricultural fields located to the south of the B2027 Four Elms Road and south of Skinners Lane (the CESL land); and a further area adjacent to Four Ems Road consisting of part of the former Eden Valley School site (the KCC land).
- 4 The CESL land consists of a series of relatively small to medium scale pastoral fields, separated by hedgerows, with a notable woodland 'shaw' and more recent area of woodland planting passing through the centre of the site in a northwest to southeast direction (the shaw), and a northeast to southwest direction respectively. The KCC land consists of an area of scrubland containing some tree planting to the south, and a field divided into a temporary overflow car park (used by the Eden Centre) and an area of grassland used by dog walkers to the north.
- 5 Two attenuation ponds associated with the Eden Centre/Bray Road development are found immediately to the northwest of the site; the area contains two streams, one running along the northern edge of Skinners Lane (connecting the Edenbridge industrial estates to the northwest, to the River Eden to the south), and one branching off this (crossing the site to the south of the lane and passing through both the CESL land and the KCC land); and the site contains five ponds (located within in adjacent to the woodland shaw and other groups of trees within the dividing hedgerows).
- 6 The site also contains numerous mature trees and woodland areas within its boundaries (in particular the woodland shaw and more recently planted tree belt crossing the Site from northwest to southeast and northeast to

southwest respectively), and trees around the five ponds on Site. Two notable stand-alone oak trees are also found in the north-western most part of the Site.

- 7 A footpath (Footpath SR603) runs through the site along the southeastern edge of the planted woodland belt, linking the town centre via a bridge over the East Grinstead to Uckfield railway to the landscape on the north side of Skinners Lane (and beyond); and a short section of Footpath SR604 which forms part of the Eden Valley Walk also passes through the southern end of the site, before heading northeast across the fields towards Skinners Farm and beyond.
- 8 Vehicular access to the site from the surrounding road network is found at two locations on Four Elms Road and one location on Skinners Lane, and via a field gate opposite the entrance to the town allotments (accessed via the bridge over the railway). Other access points are only available from the fields to the southeast.
- 9 There is no built form present on site and the site is wholly designated within the Metropolitan Green Belt

### **Description of proposal**

- 10 This application seeks outline planning permission for the development of the site for residential purposes and associated community uses, with all details reserved for future determination other than points of access into the site. That said, the planning application has been accompanied by an Indicative Masterplan, which provides further detail as to how the development would be laid out on the site.
- 11 An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission can be granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application but can submit for approval at a later date. Planning legislation defines Reserved Matters as being: access; appearance; landscaping; layout, and scale.
- 12 In this case the application form confirms that, insofar as the outline part of the application is concerned, the applicant seeks approval only of the access to the site. Other reserved matters, being appearance, landscaping, layout and scale, would be subject to subsequent reserved matters applications in the future.
- 13 The outline parts of the development proposal includes:
  - 340 residential dwellings with 40% being affordable units;
  - Land for a 4FE (Form entry) or 6FE secondary school;

- Land for a new twin-hall venue (a Scout Hut and Headquarters) for Edenbridge Scout Group with sufficient land for parking and outdoor space;
- Provision of 0.29ha of land for allotment plots including a car park;
- Creation of a new car park and associated improvements at Edenbridge Town Station;
- Creation of a private parking area for Town Station Cottages; and
- Associated open space, attenuation areas, and landscaping and ecological Enhancements.

14 Further to the above, an s106 agreement has been proposed that seeks to deliver the following:

- Affordable Housing comprising of 40% affordable housing to be provided on site of which 65% of the affordable properties to be provided as Affordable Rented / Social Rented - 35% of the affordable properties to be provided as Intermediate Housing.

- Highways Contributions comprising:

£20,000 towards relining and resurfacing works in the vicinity of the Four Elms Village crossroads;

£1,000 to be used by Edenbridge Town Council/Hever Parish Council to help fund traffic surveys in the village of Four Elms;

Travel Plan monitoring fee of £948;

£14,000 towards the provision of 2no. bus stops on the site;

£40,000 to be used for improvements to the sections of Public Right of Way of SR603 and SR604 adjoining the site and linking to the land;

- Provision of 0.29ha of land for new allotments - each plot to be 6m x 9m together with an associated allotment car park (to be provided and transferred to Town Council subject to them confirming required).
- Open Space to be provided on site (and transferred to a management company for future maintenance) comprising of areas of land for amenity greenspace and areas of land for semi natural greenspace;
- 0.104ha of children's play space to be provided as 6 Local Areas of Play (LAP's) and 1 Local Equipped Area of Play (LEAP) unless otherwise agreed;
- The safeguarding and transfer (if called for during a specified period) of 0.37ha of land for the construction of a new scout hut for Edenbridge Scout Group; and £200,000 towards the construction of the scout hut and ancillary facilities (i.e. car-parking and outdoor facilities) thereon if the land is taken;



- The safeguarding of 5.3ha of land to accommodate a secondary school and associated sports facilities and playing fields and its transfer to an education provider if called for within a specified period of time;
- The creation of a new parking area for 36 spaces, pick-up and drop off area and a step-free access ramp leading to the platform at Edenbridge Town Station either through the direct provision by the developer or the provision of land and utilisation of the financial contribution referred to below;
- £1,000,000 contribution payable to Network Rail to be used for safety improvements to the Little Mowhurst level crossing and infrastructure improvements (including new ticket machines, barriers, signage, any project to provide a new passenger footbridge and (if delivered by Network Rail) the new parking area) at Edenbridge Town Station;
- Provision of land and creation of 6 parking spaces for use by residents of Town Station Cottages.

### Relevant planning history

- 15 07/01932 - Redevelopment of the site involving the demolition of the existing school buildings & the erection of a community centre & 40 residential dwellings together with associated landscaping & highway works - GRANTED
- 16 08/00252 - Change of use of school grounds and playing fields including two sports pitches to public open space including two sports pitches - GRANTED
- 17 10/01735 - Redevelopment of the site involving, the erection of a community centre and 40 residential dwellings. (Amendment to that previously granted permission under SE/07/01932/FUL) - GRANTED
- 18 12/00362/CONVAR - Variation of condition 33 (approved plans) of 10/01735/FUL - Redevelopment of the site involving, the erection of a community centre and 40 residential dwellings. (Amendment to that previously granted permission under SE/07/01932/FUL). In order to make amendments to the site layout plan to give a softer appearance to the site whilst also giving extra amenity space for residents - GRANTED
- 19 19/01682 - Health and wellbeing centre on land to the south of Four Elms Road, Edenbridge, with appropriate car parking and landscaping - GRANTED

### Policies

- 20 National Planning Policy Framework (NPPF)
- 21 Core Strategy (CS)

- L01 Distribution of Development
- L08 The Countryside and the Rural Economy
- SP1 Design of new development
- SP2 Sustainable Development
- SP3 Provision of Affordable Housing
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP9 Infrastructure Provision
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

## 22 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN7 Noise Pollution
- G11 Green Infrastructure and New Development
- G12 Loss of Open Space
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of Electric Vehicle Charging Points

## 23 Other:

- Development in the Green Belt Supplementary Planning Document (SPD)
- Edenbridge Residential Character Assessment
- Sevenoaks Countryside Assessment

## Constraints

### 24 The following constraints apply:

- Metropolitan Green Belt
- Flood Zones 2, 3 (part of)
- Area of Archaeological Potential (part of)

## Consultations

- 25 Edenbridge Town Council - "Members supported the outline application for the proposed development; but noting that the detail would be consulted on under reserved matters.
- 26 Whilst the Town Council is keen to protect the Green Belt, it acknowledges the exceptional circumstances on this lower performing Green Belt site. To ensure security for 'exceptional circumstances', it asks that the time constraint for the secondary school be extended considerably past 2035 (as suggested in the S106 agreement) to allow for this to be realised.

27 In the meantime, the site could be transformed into a Wildflower area.

28 Members objected to the proposed access point for this development.

- It is unacceptable as it is too close to the junction into Skinners Lane.
- The ghost island and pedestrian refuge will make it impossible for eastbound traffic to turn right into Skinners Lane;
- A traffic light pedestrian crossing would be better, at some point on that road.
- The low railway bridge to the east of Skinners Lane junction restricts access for HGVS. Therefore, all lorries approach Skinners lane will do so from the west and unable to make the right hand turned to Skinners Farm and Southern Water Sewerage Farm.
- the increase traffic would have an impact on the main crossroads junction in Four Elms Village and improved safety measures for this area should be included, both traffic and pedestrian safety”.

29 Other Consultees

30 KCC Education Officer - “Kent County Council (KCC) Education has considered your proposal to develop land south of Four Elms Road, Edenbridge. We note your proposal to allocate sufficient land for a 4-6FE secondary school on the site.

31 Kent County Council welcomes this proposal to provide a school site for a number of reasons.

32 Demand for Places

33 There is currently and forecasted to continue to be, a significant demand for secondary school places in the Sevenoaks District. For the next intake in September 2021, we are expecting there to be no, or very few, surplus places. This is as a result of gradual increase in the primary school intakes across the whole District, to accommodate new local demand. From the current Kent Commissioning Plan:

**Sevenoaks Analysis – Secondary**  
**Year 7 surplus/deficit capacity if no further action is taken**

Planning Group name	2019-20 capacity	2019-20 (A)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2026-27 capacity
Sevenoaks and Borough Green Non-Selective	615	-21	-19	-49	-37	-35	-54	-27	-35	585
Dartford and Swanley Non-Selective	1,135	22	-28	-28	-101	-137	-86	-141	-150	1,140
West Kent Selective	1,200	-22	-61	-91	-129	-96	-84	-39	-68	1,145

34 It should be noted that the table above provides an indication of the position, based on what has been approved. Any new housing, particularly (Item No. 4.1) 19

the Four Elms Road development itself will increase the numbers of secondary aged students which will cause the deficit to rise further.

- 35 Non Availability of Sites
- 36 KCC Education understands that more than 90% of Sevenoaks is metropolitan green belt, and that therefore, land availability is challenging. KCC Education further understands that where there is land available, such as following a 'call for sites' exercise, the District Council must prioritise housing. With new housing comes a need for more school places, both secondary and primary. The difference being that a 2FE Primary School can be accommodated on a site between 1.7 to 2 hectares. A 4FE secondary school site needs more than double that, so the opportunities to identify a site are fewer.
- 37 KCC Education therefore considers the offer of a secondary school site to be very helpful to ensure that children in the Edenbridge area have access to a secondary school.
- 38 Local Pressures
- 39 It is necessary to understand the pressures that impact on Edenbridge secondary provision. Secondary school aged children in Edenbridge have a wide variety of schools available to them. However, all these schools are usually some distance away from their place of residence. Nearly all schools in England operate an oversubscription criterion that measures the straight-line distance between a school and the child's home, with the nearer student likely to be offered the place. Therefore, while an Edenbridge student can try to apply for a Grammar school place, a faith school place or a place in an all-ability school, their straight-line distance may put them at a disadvantage.
- 40 This issue affects cross border applications too. Secondary schools in Surrey, East and West Sussex may take Edenbridge students, but we have been notified that places are becoming fewer, due, in part, to those local authorities approving new housing in those areas - so increasing more local demand. Without a new school in Edenbridge, any new students will likely have to travel much further to find a school place.
- 41 Sustainability
- 42 Notwithstanding the above justifications, KCC Education would highlight the issue of sustainability of a new school.
- 43 Although by no means certain, any new school would be more likely to be funded by the Department for Education (DfE). The Department has guidelines on the size of school that it would consider of a size to be financially viable. A 4FE secondary school would have to be carefully

planned for the DfE to agree to build and promote. A 6FE secondary school is far more likely to gain approval by the DfE.

- 44 The issue is that KCC would need to query whether a 6FE school is going to attract sufficient students to make it financially viable. Edenbridge is a standalone community, and while a new school could offer places to students across West and South West Kent, KCC would need to conduct studies to ascertain whether there is sufficient demand in the short, medium and long term.
- 45 The opinion will be linked to an analysis of the number of surplus places, or deficit places, that exist in the schools that traditionally, Edenbridge students apply to, for places. Currently, there is insufficient demand for a 6FE school, but it is highly likely that this situation will change in the future; particularly following publication and implementation of the Sevenoaks Local Plan. Once the Local Plan has been published and sites begin to be developed, there will be a need for new, additional secondary provision for students in Edenbridge to ensure that children from planned new developments have access to secondary education. The offer to retain the site for school use until 2035 or beyond, is therefore very welcome and necessary.”
- 46 SDC Planning Policy - “You will be aware that Pro-Vision represented Cooper Estates during the Local Plan Examination and sought to justify the allocation of the site for mixed-use development. The Council supported these proposals on the basis that they demonstrated exceptional circumstances to justify the release of the site from the Green Belt, through the plan making process.
- 47 The examination of the Local Plan and the subsequent legal challenges have now concluded. Cooper Estates has chosen to progress the proposals as a planning application and is seeking to demonstrate a very special circumstances justification for inappropriate development in the Green Belt.
- 48 The Emerging Local Plan
- 49 A key issue covered in the correspondence from the applicant relates to the weight that should be attached to the Proposed Submission version of the Council’s Local Plan (hereafter referred to as the PSLP), as a material consideration in the decision making process.
- 50 The letter from Pro-Vision dated 9<sup>th</sup> March 2021 states that:  
  
‘...having regard to Paragraph 48 of the Framework, it is reasonable to attach significant (or great) weight in decision making to the proposed allocation of this site.’

- 51 Given the current status of the PSLP and the Council’s legal action, officers continue to be of the view that limited weight can currently be afforded to it in the decision making process.
- 52 Provision of housing, affordable housing, older person’s housing
- 53 Clarification was welcomed from the applicant on the following issues:
- Intended split of homes to be made available for affordable housing - 43 x 1b, 46 x 2b, 37 x 3b and 10 x 4b. This is a good split in terms of meeting current housing needs and is supported.
  - It is noted that the applicant could provide 16 x 1b and 2 x 2b homes for older people. However, this would not be specialist retirement housing (i.e. in a dedicated scheme) and it is assumed that no support facility would be provided. We would therefore expect that, once built, these homes will be targeted at older people on the SDC Housing Register, through a local lettings plan.
  - 1 and 2 bed apartments and 3+ bed houses to achieve compliance with M4(2) accessibility standard. This is welcomed and we expect this matter to be included in a planning condition.
  - 17 homes (5% of total) to achieve compliance with the M4(3) accessibility standard. This is welcomed and it is expected that these homes will be provided as Affordable Rented/Social Rented housing. We would ask that the homes meet standard M4(3)b, to ensure they are immediately available for a disabled occupier, to be secured via a planning condition.
- 54 Provision of infrastructure - health, education, transport, open space
- 55 As stated in the comments to you dated 3<sup>rd</sup> February 2021, the PSLP provided a strategy to release land from the Green Belt for new housing development, where there were exceptional circumstances for doing so.
- 56 Paragraph 1.12 of the PSLP identified the considerations that were relevant in the Council’s exceptional circumstances test, including ‘Whether the release of land will result in the delivery of infrastructure to meet an existing evidenced based need’.
- 57 Pages 29-31 provided further detail on the strategic sites identified for mixed-use development. The social and community infrastructure listed in relation to the Four Elms Road site, which is now the subject of this application, included:
- Land for medical services (combined GP surgery and hospital).
  - Land for educational use - secondary school and playing fields.
  - Transport improvements including better connectivity to the station and disabled access - level disabled access including pedestrian footbridge and lift.
  - New station car park.

- Community facilities (scout hut).

58 During the course of discussions on 9<sup>th</sup> March 2021, the applicant outlined how they facilitated the provision of the adjacent medical centre, through a financial contribution, which demonstrates the linkages to the wider site masterplan. Although the medical scheme has already been consented, it is now understood how the sites are inter-linked, in terms of highways and access routes and their delivery.

59 In relation to the delivery of a school on the site, the applicant's email dated 26<sup>th</sup> March 2021 states they have done what is required of them by the policy. It is also noted that the land identified on the illustrative masterplan is sufficiently sized to accommodate a 6FE school, if required.

60 The email goes on to refer to the letter received from Ian Watts of Kent County Council (KCC), which welcomes the proposal to provide a school site and states:

‘Although by no means certain, any new school would be more likely to be funded by the Department for Education (DfE). The Department has guidelines on the size of school that it would consider of a size to be financially viable. A 4FE secondary school would have to be carefully planned for the DfE to agree to build and promote. A 6FE secondary school is far more likely to gain approval by the DfE.’

61 The issue is that KCC would need to query whether a 6FE school is going to attract sufficient students to make it financially viable. Edenbridge is a stand-alone community and while a new school could offer places to students across West and South West Kent, KCC would need to conduct studies to ascertain whether there is sufficient demand in the short, medium and long term.’

62 The letter notes there is currently insufficient demand for a 6FE secondary school, but it is likely that the situation will change in the future, following the publication of the Local Plan. As stated above, the PSLP is not currently progressing.

63 In relation to the deliverability of the school, the applicant states that:

‘it is not for the applicant to deliver the school - that is the responsibility of KCC education and SDC.’

64 The latest advice from KCC suggests a degree of uncertainty as to whether the release of the site will result in the provision of educational infrastructure to meet an existing need, in the form of either a four form entry or six form entry school. These uncertainties should be taken into account in the assessment of the proposals.

- 65 Backstop position
- 66 There is ongoing discussion regarding suitable meanwhile uses and the 'backstop' position if a school is not able to be secured on the site within the relevant period. DM colleagues are to provide an example of where a financial contribution to health was secured via s106, where a medical centre could not eventually be provided on site.
- 67 Station Access
- 68 It is understood that discussions are on-going with Network Rail in relation to access improvements at Edenbridge Town station. The applicant described the Network Rail (NR) requirements at the station and that the proposals would improve access to the platforms, albeit not between platforms. The applicant noted the NR accessibility commitment to allow passengers to return to their home station (including the provision of taxis and permission to ride-on to accessible stations) and it was suggested that this information is included within the application.
- 69 Open space / play space
- 70 In relation to open space/play space, the site design guidance from the PSLP suggested:
- The specifics of any scheme should be developed in conjunction with the local community, including through the Neighbourhood Plan process where applicable.
  - Provision of public open space will be required to support the development. The type and layout of open space will be a matter for consultation with the local community, but should include amenity greenspace and childrens' play space.
- 71 Density and making effective use of land
- 72 The NPPF is clear that new development should make effective use of land. Para 117 states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses'. Further, para 122 goes on to say that 'planning policies and decisions should support development that makes efficient use of land'. It is understood that the proposal amounts to a blended density across the site of approximately 30 DPH and that the number of units in this application is broadly in line with the PSLP.
- 73 The applicant referenced the constraints of the site, including areas subject to flooding, but noted that the proposed density figure relates to net developable area, so these constrained areas are not relevant to the assessment of the best use of land. It was discussed whether the description of development could be amended to express the quantum of housing as a 'minimum' to allow for greater flexibility at the reserved matters stage,



should the design development process provide for a greater number of units to be accommodated on the site.

74 Pre-application discussions

75 Given the scale and nature of development proposed, it is disappointing that the applicant chose not to engage in pre-application discussions. The Council encourages this process to ensure that areas of potential disagreement can be addressed at the earliest possible stage. Officers note the applicant's view that the process may not have changed the scheme that is currently before the Council.

76 Key conclusions

77 The applicant has chosen to progress the proposals as a planning application and a key aspect of the decision making process therefore rests on whether very special circumstances have been demonstrated to justify inappropriate development in the Green Belt. The advice in this and other notes should guide the judgement on this matter.

78 The Proposed Submission Version of the Sevenoaks Local Plan is currently not progressing and cannot be afforded significant weight in the decision making process."

79 SDC Urban Design Officer - "...A parameter plan indicating the means of access is submitted (1:2500 or 1:5000 on A3 depending on site boundary) should be submitted. This should include the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. We are aware that these are indicated in the Design and Access Statement (DAS) however a separate plan should be submitted in order to make an assessment on the proposed access from a scaled drawing."

80 Connectivity and accessibility to the train station from the eastern side and connecting to the western side on this site is key. This will be fundamental in unlocking this site and integrating this extension to the existing town confines of Edenbridge. This should be secured through Section 106 agreement. Reason: in line with the NPPF and local policy, to promote healthy and safe communities (NPPF, chap. 8) and that opportunities to promote walking, cycling and public transport use are identified and pursued (NPPF, para. 102).

81 The proposed layout has been explained in the DAS under design evolution under para 8.1, page 40. The connection to the train station is a key opportunity for this site, and the justification for the school being located opposite the access point to the train station is to improve accessibility to the train station for potential students, consolidate traffic generated from school pick up and drop to this area, as well as separating the residential areas from the railway line. The school will therefore become a key building

in creating a sense of arrival and contribute to place shaping within this new community. We would request that an updated response from KCC education is required as part of this application in order to make an assessment on the viability of a school in order to make an assessment on the proposed land use at this key location within the site. Should this proposed use be established, it would be useful to submit a phasing plans we are clear on the phasing sequence of the development parcels. How does the 'school zone' relate to the phasing of housing parcels coming forward? As the 'school zone' will be a key part in activating the linkage to the train station and the building creates an important frontage to the site. Are there any meanwhile uses proposed should the housing parcels come forward first? How will the 'school zone' and the boundary treatments be addressed to ensure the development makes connections from housing areas to destinations ensuring that they are safe, direct, convenient and accessible? (NPPF: chap. 8, 9 and 12 and National Design Guide: Movement, Nature, Public Spaces and Homes & Buildings).

- 82 We encourage innovative approaches which promote high levels of sustainability. We could not see an energy strategy with the design and access statement for the proposed development. We would be looking for information on how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. Further to this, we expect the development to future proof the needs of residents by providing, for example, all new houses with a garage or vehicular accesses should include an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles. Schemes for new apartments and houses with separate parking areas should include a scheme for at least one communal charging point (ADMP, Policy T3).
- 83 A condition is to be prepared to submit a design code prior to the commencement of development or approval of any reserved matters applications. This should bring together the main principles of the Design and Access Statement with Parameter Plans which are informed by the 10 characteristics of good places set out in the National Design Guide. Reason: to achieve well-designed places (NPPF, chap. 12, para.126) and to ensure that all new development is designed and delivered to a high quality and responds to the distinctive local character.”
- 84 Highways England - No objection
- 85 Network Rail - “A level crossing options assessment has identified the most appropriate form of mitigation at the Little Mowhurst Footpath Level Crossing would be the VaMaS Flex system. This is a Miniature Stop Light System which detects the train approaching and sets off an audible alarm and lights at the crossing.”

- 86 This would be in the order of £400-£500k. I have spoken to Paul Donald and he is accepting for this to come from the £1m, which he had previously discussed for station improvements.
- 87 On this basis, we are happy to withdraw our objection to the development, provided an s106 agreement is entered into which sets out the £1m contribution to go towards both station improvements and a level crossing upgrade.”
- 88 KCC Highways - “provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:”-
1. Vehicular access arrangements to consist of a primary access onto the B2027 Four Elms Road as shown in principle on Drawing Number 70003967-SK-010 Rev D and separate secondary access and an emergency access via Forge Croft/Frantfields.
  2. The applicant has agreed to pursue an extension to the 30mph speed limit along Four Elms Road via the 3rd party TRO process.
  3. Additional space to be provided for the bus/coach drop off/pick area and a separate/segreated student drop off/pick up area to be provided prior to the occupation of the school.
  4. A Transport Assessment review to be provided prior to the commencement of the school site when it is known whether a 4FE or 6FE school is required and what bus services are available at that time.
  5. Details of arrangements for delivery vehicles to park and manoeuvre clear of the highway.
  6. Delivery management plan is required in respect of the school, prior to occupation.
  7. Parking restriction are required to prevent commuter and school parking on the areas needing to be clear of parking to allow safe passage of through vehicles. This can then be formalised through a 3rd party TRO to be pursued by the developer when the road is being adopted. Any additional /extension needed can be pursued following full occupation. Therefore, a 3rd party TRO is needed as a condition on any planning consent together with a contribution of £4000 for further extensions/modifications following full occupation.
  8. A zebra crossing on Four Elms Road between the secondary access and Fircroft Way to allow a safe and direct crossing route for pedestrians to be provided by way of S278 works prior to the occupation of the school.

9. The diversion of the 231 and 233 bus services into the site is required and subject to agreement with the bus operators and bus stops within the development are required subject to triggers to be agreed with bus operators and KCC Public Transport team.
10. S106 contributions towards bus services to ensure adequate provision to meet demand. Details to be agreed with KCC Public Transport team.
11. Cycle parking/ disabled parking/motorcycle and EV parking is required at the new station car park.
12. A highway improvement scheme to be provided by the developer via S278 agreement at Four Elms as shown in principle on Drawing Number 70003967-SK-024A and comprising an extension to the 30mph speed limit, new gateway feature and modifications to the existing gateway feature.
13. A Travel Plan including targets to achieve a reduction in vehicle trips of 10% be registered with KCC Jambusters website and a monitoring fee of £948 is required via a S106 Agreement.
14. A separate School Travel Plan is required before the new school shall be brought into use, to reduce dependency on the private car. This should be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.
15. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
16. Completion and maintenance of the accesses shown on the submitted plans prior to the use of the site commencing.

17. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.”

89 KCC Public Right of Way - “...Public Footpaths SR603 and SR604 pass directly through this application site and would be affected by the proposal. The applicant has acknowledged the existence of these PRow, but failed to accommodate the Definitive alignment of these routes on their plans.

90 While I am confident that the issues raised in this letter can be resolved, until plans have been put forward to consider these matters, I have no option than to place a holding objection at this time. The KCC PRow and Access Service would welcome engagement with the applicant to consider the matters highlighted in this response.

91 If you are minded to approve the application, I ask that you make the following conditions;

1. No development shall take place over the alignment of Public Footpath SR603 or SR604 until an Order for their permanent diversion has been made and confirmed, and the diverted route has been fully provided and certified.

Reason: To ensure that public rights of way are properly safeguarded in the public interest.

2. That the public rights of way within the development site be surfaced by the developer to a specification agreed with the KCC's PRow and Access Service prior to commencement.

Reason: As mitigation for the predicted increase in use by new residents and visitors to the area.

3. That a Section 106 contribution is provided to the County Council, to a level no less than £40,000, for the purposes of improving the surface, accessibility and environment of the PRow network surrounding the development site.

Reason: As mitigation for the predicted increase in use by new residents and visitors to the area.”

92 Sports England - Supports the application subject to imposition of recommended conditions relating to sports field development.

93 Natural England - No objection

94 Kent Wildlife Trust - “objects to this application on the grounds that the applicant has failed to demonstrate that it will achieve net gain to

biodiversity, or at minimum avoid net loss, in contravention of national and local planning policy. We would be prepared to withdraw this objection if the applicant is able to produce an assessment of the site using the Defra Biodiversity Metric 2.0 that demonstrates how that biodiversity net gain can be achieved through the development.”

- 95 KCC Ecology - “Our previous response advised that the ecological assessment and landscape strategy were suitable, but that it had not been conclusively demonstrated that biodiversity net-gain (BNG) could be achieved. Defra Metric calculations, along with supporting documents, have now been provided.
- 96 We note that the calculations appear accurate, with full justification given for the 'habitat conditions' (the only subjective parameter in the metric) and clear management prescriptions to achieve expected net-gain.
- 97 The results of the calculation denote a relatively small increase in biodiversity, with all the proposed habitats (including a c.26% gain hedgerow habitat units) producing a net-gain of over 10% - generally considered the minimum increase at present.
- 98 As mentioned within the BNG report, the metric does not take into account species, nor does it account for impacts from an occupied residential development, e.g., cat predation and recreational disturbance. The impacts from the occupied development are likely be significantly impactful, detracting from the overall BNG. Therefore, it is vital that the recommendations within the BNG report are enacted to maximise biodiversity value and limit these negative impacts. Future management should be agreed and secured with the local planning authority.
- 99 Protected Species Mitigation
- 100 Regarding ecological impacts during the construction phase, we advise that the proposed mitigation measures (as discussed in our previous advice note) are finalised and submitted for approval before any works commence (including site clearance). As noted in the original survey report, exact design details are not known at this stage and, therefore, a detailed mitigation strategy will need to be produced and implemented.
- 101 We agree with the outline mitigation strategy for the construction phase and advise that a condition is attached to any granted planning permission. Suggested wording.
- 102 Prior to any site clearance and accompanying the first reserve matters application, a detailed mitigation strategy will be submitted to, and approved by, the local planning authority. This will be in accordance with the outline mitigation measures in section 12 of the Ecological Survey Report (Corylus Ecology July 2020).

- 103 Biodiversity Net-Gain
- 104 As mentioned in our previous advice note, we are supportive of the proposed habitat enhancements and creation (as outlined within the 'Landscape and Ecological Strategy' (LES)), which also included monitoring post-development. Further information regarding the future management of these habitats has been provided in the BNG report.
- 105 As with mitigation measures at the construction stage, a detailed 'Landscape, Ecology, Management and Monitoring Plan' (LEMMP) will need to be produced once the final design is confirmed and submitted with the reserve matters application(s) to ensure net-gain can be delivered. Crucially, to ensure maximum biodiversity value is gained and maintained, management of the landscape/ecological features should be subject to an S106 agreement.
- 106 To secure the production and implementation of a suitable LEMMP, we advise a condition is attached to any granted planning permission.”
- 107 Environment Agency - No objection subject to flood mitigation measures conditions.
- 108 Southern Water - No objections raised subject to conditions and informatives.
- 109 KCC Lead Flood Authority - No objection subject to conditions in relation to SuDs.
- 110 Kent County Council 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, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”
- 111 SDC Housing Policy - “It is noted the applicant is proposing 340 homes, with a level of affordable housing which is compliant with Core Strategy policy SP3 (40% - 136 homes). A policy compliant tenure split is also proposed - 65% Affordable/Social Rent (88 homes) and 35% intermediate housing (48 homes). This is welcomed.
- 112 As an outline application, we understand the actual mix of unit sizes applying to the affordable housing, their location within the development and the building types to be used, will be dealt with at the Reserved Matters stage. Nonetheless, we would seek the majority of homes provided for Affordable/Social Rent to comprise 1 and 2 bedroom homes, as this will best assist the District Council in meeting its statutory housing duties and addressing the needs of the Housing Register. Four bedroom homes will only be accepted as Social Rent, owing to affordability constraints, i.e. the

household benefit caps applying. A mix of affordable tenures will not be accepted in a single block of flats, i.e. blocks need to be either 100% for Affordable/Social Rent or 100% for Intermediate Housing. The Affordable Housing Supplementary Planning Document 2011 should be adhered to, including the clustering of affordable housing throughout the development and for the affordable housing to be indistinguishable from market housing. The provision of "poor doors" and any restriction of access to amenities for affordable housing occupiers, will not be accepted. The S106 agreement should include a requirement specifying that the exact details applying to affordable housing provision, will be subject to agreement by the Chief Officer - Places & People.

- 113 Subject to further discussion with Edenbridge Town Council and the extent of housing need identified in the local Edenbridge needs survey scheduled for September 2021, we may seek to negotiate a local lettings plan which will apply to a number of the affordable homes. It is expected the affordable housing will be delivered by a preferred Provider - see the District Council's website for the current list of partners. The Provider's active input should be sought at the earliest possible stage of the planning process.
- 114 It is expected the affordable housing will be secured through use of the District Council's template 5106 agreement, which is available on the website.
- 115 The application has, in our view, a number of important omissions that we wish to highlight here. We note Planning Policy colleagues have already highlighted these in their submission, and we are therefore largely mirroring their commentary.
- 116 The Strategic Housing Market Assessment (2015) and the Local Housing Needs Study (2017) confirm the current extent and projected increase of the District's ageing population and highlight not only the ever-increasing need for housing suitable for older people, but also the need for homes for life and homes that have the ability to adapt to people's changing needs. This is relevant to both market and affordable housing. There is therefore a District-wide requirement (and direction of travel in policy) to increase the proportion of housing suitable for older people, regardless of the status of the emerging Local Plan. Policy H1 states:

"New housing development specifically designed for older people, including specialist retirement accommodation and registered care homes (particularly dementia-specialist) both market and affordable, will be supported where they are in sustainable locations close to services, facilities and transport links. "

"All new build housing development will be expected to meet the optional technical standard M4(2) for accessible and adaptable dwellings, as set out in the Building Regulations, in order to provide homes for life. On new build housing developments of 20 units or more, at least 5% will be expected to



meet the optional technical standard M4(3) for wheelchair user dwellings, to support people with physical disabilities. These units should be provided as affordable housing."

- 117 Given that the application site is located close to local services, facilities and transport links, it offers a key opportunity to provide much-needed older persons housing. However, it is noted that the masterplan includes a very small number of homes suitable for older people that would meet the optional technical standard M4(2) for accessible and adaptable dwellings, with the vast majority of homes only meeting M4(1). Neither does the masterplan include any specialist retirement housing. We are therefore disappointed that the applicant has not taken the opportunity to meet, or even contribute towards, meeting the specific housing needs of the District."
- 118 SDC Environmental Health Officer- No objection subject to conditions.
- 119 SDC Direct Services - Have some concerns with elements of the scheme in relation to access to some of the flatted development
- 120 SDC Tree Officer - No objection raised, recommend imposition of tree protection conditions where trees are being retained.
- 121 Kent Fire and Rescue - No objection
- 122 Kent Police - Recommend that the development should conform to secure by design initiative.
- 123 Hever Parish Council (adjacent Parish Council)- objects for the following reasons
- Modelling of traffic flows are based on old data and we do not believe that just 11.7% predicted increased flow of traffic to travel towards Four Elms is an accurate figure, noting the pull factors of schools to the East of the district.
  - We would ask that the proposers extend the scope of their traffic modelling beyond the traffic lights by the railway bridge, all the way to Four Elms crossroads (crossroads of B roads) which has significant challenges of its own.
  - Ingress and egress to the site and Skinners Lane inadequate
  - Need investigation by KCC and environmental health with an explanation of how the sewage capacity/storm tanks will deal with this proposal to prevent greater than current sewage discharge into the river.
  - We support the construction of a secondary school

- Will be interested to see further details of the proportions of affordable housing units and sizing relative to open market housing.

## Representations

- 124 2 letters of support received
- 125 7 letters of neither supporting or objecting received
- 126 60 letters of objection received, objecting on the following grounds:
- Overdevelopment;
  - Increased traffic generation;
  - Greenfield site;
  - Loss of trees;
  - Loss of open space;
  - Strain on existing infrastructure;
  - Impact upon air quality;
  - Highway safety issues;
  - Urban sprawl;
  - Impact upon ecology/wildlife;
  - Increase in flood risk;
  - Inappropriate development in the Green Belt;
  - Increase light pollution;
  - De-value properties;
  - Increase in noise;
  - Lack of exceptional circumstances;
  - Full rail network capacity;
  - Increase in crime;
  - Increase in parking demand;
  - Overlooking/loss of privacy to Town Station Cottages;
  - Inadequate water infrastructure;
  - Inappropriate scale and density of development;
  - Edenbridge at saturation point;
  - Lack of evidence for school;
  - Application is premature;
  - Sets a precedent;
  - Could impact upon the setting of High Weald AONB;
  - Conflict with existing S106 agreements to retain land (part of) for open space

## Chief Planning Officer's appraisal

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

- Principle of the development including proposed land uses;
- Housing mix, density and affordable housing;
- Green Belt implications;
- Visual and landscape impacts;
- Transport and highways implications;
- Biodiversity;
- Residential Amenity;
- Air Quality;
- Flooding and Drainage;
- Infrastructure;
- Conclusions and Planning Balance.

## Policy context

- 128 The site had been allocated in once draft emerging Local Plan as part of a group of mixed use allocations (ST-33 and ST-34) on land south of Four Elms Road and land east of Bray Road, Edenbridge. The draft allocation include proposals for: a new secondary school and playing fields; up to 340 residential dwellings; and a medical hub (ST-34) and forms part of a wider 28ha site, to which the medical centre has been granted planning permission under reference 19/01682/FUL. It is understood that works for the medical centre are to start possibly early next year, due delays as the result of the pandemic and the tendering process regime due to changes in costs.
- 129 The site had been allocated for residential and social and community infrastructure. This is because there is required for the District to provide additional housing to meet an identified need which had support of the Council's officers and members. Nevertheless it is relevant to consider the evidence base which contributed to the decision to include those changes and the extent to which the proposal would accord with the Council's objectives or otherwise.
- 130 A Green Belt Assessment as part of the evidence base of the emerging Local Plan (SDC Green Belt Assessment January 2017) It was realised that due to the limited amount of available brownfield land within the District, the Council will need to release several Green Belt sites to meet the identified demand for housing, employment, infrastructure and community uses in the plan period.
- 131 This site was assessed within the Green Belt Assessment as part of parcel 18. The Application Site and its adjacent western and eastern boundaries were specifically sub-divided and assessed as parcel RA-3 within the wider parcel 18. Parcel RA-3 is adjacent Bray Road and the Edenbridge settlement boundary, in the western part of Green Belt parcel 18.
- 132 The Green Belt Assessment identifies the wider 87ha parcel 18 as performing strongly against the NPPF purposes. However, the report

identifies that there is scope for sub-division; Parcel RA-3 may score weakly and could be considered further.

- 133 The RA-3 area already has an urban character through the encroachment of built development in the Green Belt. This comprises the Eden Centre and 40 dwellings on Bray Road. The Green Belt Assessment recommended that there is scope for parcel RA-3 (the site) to be considered further, for removal from the Green Belt. This judgement has informed the emerging Local Plan process which at the draft submission stage includes this parcel of land (RA-3) along with land extending further south and east for allocation as a mixed use site comprising dwellings, education and health infrastructure.
- 134 This has informed the emerging Local Plan as this site is considered a suitable location for mixed use development and that the Green Belt weakly performs, and is promoted as such in the emerging Local Plan. The allocated site (ST-33) are under the ownership of in part Kent County Council and Cooper Estates. The landowners have agreed to a 'Statement of Common Ground which sets out how the two ownerships are working together in a partnership to deliver the wider masterplan, and that the site is available and deliverable. These arrangements ensure that the aims and vision of the masterplan (to deliver housing in conjunction with community infrastructure) remain aligned with the objectives of the proposed strategic site allocations.
- 135 It is not disputed that the site is in a sustainable location adjacent to the built up area of Edenbridge which is defined as a rural service centre. The high street and its many facilities, including the station would be within walking distance for more mobile residents. There are public transport services provision nearby, with access to road and rail services. The site aligns to our Council's development strategy of only releasing green belt sites in exceptional circumstances where adjacent to one of our main settlements.
- 136 It is concluded that the development would not undermine the current proposed local growth in Edenbridge, but contribute to its economic, social well-being and provide a sustainable location for living. It is considered that the land is developable and deliverable. The promotion of the site in once emerging Local Plan is a key indicator as being suited for this type of the development that has been 'plan-led' and the direction of travel the Council was taking in order to meet in part of its housing demands of the District.
- 137 The latest version of the National Planning Policy Framework (NPPF) was issued in July 2021. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through 3 over-arching objectives - economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions,

but should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 138 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the NPPF. Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 139 Of particular relevance in this case are those parts of the Framework which deal with Green Belt and housing provision. Section 13 of the Framework is entitled “Protecting the Green Belt”, with paragraph 140 making it clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 147 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.
- 140 Paragraph 148 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 141 With regard to housing, paragraph 60 of the NPPF confirms that it is the Government’s objective to significantly boost the supply of homes. In considering ways to boost supply, paragraph 73 advises that the supply of large numbers of new homes can often be best achieved through planning for larger-scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well-located and designed, and supported by the necessary infrastructure and facilities.
- 142 Paragraph 74 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. Other relevant paragraphs in the NPPF are referenced, as appropriate, later in this Report.
- 143 The National Planning Practice Guidance (NPPG), initially published in 2014, is also a material consideration in the determination of this application.

- 144 A key issue on which our local policies are out of date, relates to housing supply.
- There is a need for 714 units per year in Sevenoaks District, calculated using the standard methodology (March 2021);
  - Comparing this to delivery, the latest Housing Delivery Test results (2020) show that 70% 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 (2.6 years as at August 2020);
  - As our housing supply figure is untested, the ‘tilted balance’ may apply in some cases;
  - Given the Housing Delivery Test result falls under 75%, and we cannot demonstrate a 5 year supply, both of these things independently mean that there is a presumption in favour of development subject to the application of paragraph 11(d) of the NPPF (the ‘tilted balance’).
- 145 The presumption in favour of development relates to para 11(d) of the NPPF. It advises that where there are relevant development plan policies, but the most important for determining the application are out of date, planning permission should be granted unless:
- i) Policies in the NPPF that protect areas or assets of particular importance that would be provide a clear reason for refusal, or
  - ii) If granting permission would lead to adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole.
- Item i) has a footnote in the NPPF, which links this test to land with specific designations, including Green Belt, Areas of Outstanding Natural Beauty and designated heritage assets, only the Green Belt designation applies to this site.
- 146 The previous emerging Local Plan, which proposed to allocate this site for an additional 340 residential units, together with school provision and medical centre to which the latter was permitted by planning permission 19/01682/FUL. That emerging plan is no longer at examination since the Inspector’s final report (2 March 2020) concluded that the Plan is not legally compliant in respect of the Duty to Co-operate and recommended that the Plan is not adopted. The District Council was granted permission to bring a judicial review against the Inspector’s decision, however this was unsuccessful (judgement published 13 November 2020). The Council then lodged an application to appeal against the Judicial Review ruling which was also unsuccessful.

147 Therefore, the previously emerging Local Plan and its policies do not carry any weight and cannot be relied upon. The adopted development plan remains the Core Strategy (2011) and Allocations and Development Management Plan (2015), however some of these policies may be considered out of date, where they are not in accordance with the NPPF.

148 Reviewing the local policies that are relevant to this application, the following key policies are considered out of date in whole or part:

149 **Core Strategy:**

LO1 - Distribution of Development	<i>Partially in date</i> , generally in accordance with the NPPF as supports sustainable development, but does not fully meet need.
LO8 - The Countryside and Rural Economy	<i>Partially in date</i> , generally in accordance with the NPPF as protects GB and conserves and enhances the natural environment. Will be reviewing extent of the Green Belt.
SP1 - Design of New Development and Conservation	<i>In date</i> .
SP2 - Sustainable Development	<i>Partially in date</i> , generally in accordance with the NPPF as supports climate change mitigation and adaptation, however national changes to the Code for Sustainable Homes and BREEAM post date the policy.
SP3 - Provision of Affordable Housing	<i>Out of date</i> - superseded by national policy updates.
SP5 - Housing Size and Type	<i>In date</i>
SP7 - Density of Housing Development	<i>Out of date</i> - does not make efficient use of land (NPPF).
SP8 - Economic Development and Land for Business	<i>Partially in date</i> , generally in accordance with the NPPF as supports economic growth and provides flexibility, however MDS' no longer exist and note recent changes to PD rights / the new E use class.

SP9 - Infrastructure Provision	<i>In date.</i>
SP10 - Green Infrastructure, Open Space, Sport and Recreation Provision	<i>In date.</i>
SP11 - Biodiversity	<i>Partially in date, generally in accordance with the NPPF as conserves and enhances the natural environment, but precedes national biodiversity net gain requirements.</i>

150 Allocations and development Plan

ADMP Policy	In or out of date?
SC1 - Presumption in Favour of Sustainable Development	Partially in date, thrust of policy is in accordance with the NPPF however the specific wording is no longer consistent as we are now required to specifically consider and apply policies that protect areas or assets of particular importance.
EN1 - Design Principles	In date, linked to SP1 as contributes towards the government aim to provide healthy and safe communities.
EN2 - Amenity Protection	In date, linked to EN7 and T1.
EN4 - Heritage Assets	Partially in date, linked to LO8, but doesn't go as far as the NPPF, which requires us to consider the significance of the heritage asset and the impact of the proposed development on that significance.
EN5 - Landscape	In date, linked to LO8.
EN6 - Outdoor Lighting	In date, in accordance with the NPPF which seeks to limit the light pollution from artificial light on local amenity, intrinsically dark landscapes and



	nature conservation.
<b>EN7 - Noise Pollution</b>	In date, in accordance with the NPPF which seeks to mitigate and reduce potential adverse effects of noise pollution from new development.
<b>H1 - Residential Development Allocations</b>	Partially in date, generally in accordance with the NPPF as supports sustainable development, but does not fully meet need / doesn't make efficient use of land.
<b>H2 - Mixed Use Development Allocations</b>	Partially in date, generally in accordance with the NPPF as supports sustainable development, but does not fully meet need / doesn't make efficient use of land.
<b>H3 - Residential Subdivision</b>	In date, in accordance with the NPPF as meets identified needs and helps to increase supply.
<b>EMP1 - Land for Business</b>	Partially in date, generally in accordance with the NPPF as supports economic growth and provides flexibility, however we are unable to safeguard some business uses given the recent changes to PD rights / the new E use class (excludes B2 and B8), and must make efficient use of land.
<b>GI1 - Green Infrastructure and New Development</b>	In date, in accordance with the NPPF as conserves and enhances the natural environment and seeks to protect and improve biodiversity.
<b>GI2 - Loss of Open Space</b>	In date, in accordance with the NPPF as promotes healthy and safe communities, and consistent with Green Belt policy.
<b>GB5 - Dwellings permitted under Very Special Circumstances or as Rural Exceptions in the Green Belt</b>	In date
<b>GB10 - Green Belt</b>	In date, in accordance with the NPPF

<b>Boundary</b>	<b>as meets Green Belt purposes.</b>
<b>CF2 - Loss of Neighbourhood Services and Facilities</b>	<b>Partially in date - Due to PD changes we cannot stop any changes within Class E. Policy remains relevant regarding uses that fall within Class F.</b>
<b>T1 - Mitigating Travel Impact</b>	<b>In date, in accordance with the NPPF as mitigates adverse impacts of development.</b>
<b>T2 - Vehicle Parking</b>	<b>In date, in accordance with the NPPF as promotes sustainable transport. NPPF requires the parking to be integral to the design of the scheme.</b>
<b>T3 - Provision of Electrical Vehicle Charging Points</b>	<b>In date, in accordance with the NPPF as supports climate change mitigation and adaptation.</b>

- 151 Accordingly, as there are relevant development plan policies that are out of date, the criteria at para 11(d)(i) of the NPPF need to be considered.
- 152 This report will assess whether the impact on the Green Belt, when assessed against local and national policy, would provide a clear reason(s) for refusal, amongst other matters that need to be taken into account.
- 153 If it is concluded that there is not a clear reason for refusal on these issues, then consideration will be given to para 11(d)(ii) of the NPPF, the ‘tilted balance’. Planning permission should be granted unless granting permission would lead to adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole. This second part of paragraph 11 (d) only kicks in no harm is identified under part (i).

### **Principle of development**

- 154 As set out in Section 36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For Sevenoaks, the Development Plan is made up of the Core Strategy (CS) and Allocations and Development Management DPD (ADMP). The Sevenoaks ‘Development in the Green Belt’ Supplementary Planning Document is also relevant. National Planning Policies, such as those contained in the National Planning Policy Framework (NPPF) are material considerations.
- 155 Housing

- 156 This application proposes 340 houses, which is would have been in accordance to the proposed emerging local plan allocation. The houses would make a positive valued contribution to the District’s Housing Stock.
- 157 The adopted Sevenoaks Core Strategy and ADMP planned for the delivery of 3,300 homes over the period 2006 to 2026 with the main site allocations being located around the urban areas of the District and on brownfield land.
- 158 Paragraphs 73 - 75 of the NPPF require the Council to identify a five-year supply of deliverable housing sites, including an appropriate buffer. As the result of the Housing Delivery Test for 2020 was 70%, the NPPF considers this as a significant under delivery of housing over the previous 3 years, and requires the application of a 20% buffer in line with para 73c). Furthermore, as the Core Strategy (2011) policies are more than five years old, the standard method figure for housing need must be used in place of adopting housing requirement for calculating the five-year housing supply. As a result of these factors the Council cannot currently demonstrate a five year housing land supply. As acknowledged in the Council’s Housing Delivery Test Action Plan, the five-year housing land supply calculation finds 2.6 years of supply of deliverable housing sites including a 20% buffer. Therefore, the lack of five-year housing supply is a significant consideration that the Council will have to balance with this application.
- 159 As the Council cannot demonstrate a five-year housing land supply at this time, it is considered appropriate and welcome that the site accommodates a number of houses to meet the Council’s needs, subject to the other policy considerations discussed in turn below.
- 160 The implications of the ‘tilted balance’ described in paragraph 11 of the NPPF is discussed above, whilst we will consider the balance of the case later on within the report.
- 161 Education
- 162 The Sevenoaks Infrastutcture Delivery Plan sets out the need to provide a new secondary school for the Edenbrdige, which is supported evidence from KCC Education for future demand. The proposals include land that would be safeguarded for a 4-6FE form entry secondary school. The application proposes only the safeguarding of the land. It is intended that, if the school is required, it would be delivered by KCC.
- 163 Despite the delays to the previously emerging Local Plan, the proposals continue to incorporate the land safeguarded for a 4-6FE Secondary School and KCC still remain interested that provision should be made for a new school to benefit the locality. Should it transpire that the KCC Education do not require a Secondary School then the land would become available for other uses. The mechanism to secure this would be included in the S106 agreement, which would be informed by discussions with KCC Education.
- 164 Community Land uses

- 165 Land for a twin-hall Scout Hut venue for Edenbridge Scout Group is proposed. The Illustrative Masterplan indicates that the Scout Hut would be located to the south-west of the Site, where it would be accessible on foot via the existing bridge over the railway. The Scout Site is approximately 0.4ha, including sufficient outside space and land for associated parking. Land is proposed to be provided upon which the Edenbridge Scout Group would be able to build a new Scout Hut and Scout Group HQ. As indicated on the Illustrative Masterplan, the land is sufficient for a twin-hall single storey building with a minimum dimension of 20m x 25m and a maximum dimension of 30m x 35m. A contribution of £200,000 towards the cost of construction of the Scout Hut building is proposed to be secured through the s106 Agreement.
- 166 A 0.29ha area of land is proposed for additional allotment plots. It is envisaged this would be provided adjacent to the existing allotment site at Forge Croft. The allotment plots would each measure 9m x 6m with an area of land also provided for car parking.
- 167 A new car park for Edenbridge Town Station is proposed. This will provide approximately 36 spaces including drop-off / pick-up facilities. A ramp would be necessary to connect the car park to the existing platform. It is envisaged that the developer will construct the car park, and other associated infrastructure improvements to Edenbridge Town Station would be funded through an s106 contribution. This follows the need set out the Sevenoaks Infrastructure Delivery Plan for *“Improvements to sustainable transport accessibility - walking, cycling, buses and trains”*
- 168 Open spaces and green infrastructure
- 169 The Illustrative Masterplan shows how existing trees and landscape features within the site can be retained and enhanced, with around 8ha of natural or amenity greenspace proposed to serve the development.
- 170 The proposal will retain the existing Bray Road / Eden Centre ecological area, creating a linear greenway through the site connecting with new and enhanced areas of green space. The scheme includes creation of recreational areas including the provision of a Local Equipped Area of Play ('LEAP') and 6no. Local Areas of Play ('LAP') throughout the residential areas. These facilities will be secured by the S106 and would also include clauses relating to the future management of the open spaces and play spaces across the site, which could include field spaces or multi use games areas.
- 171 The proposed open space will also provide for structural planting and Sustainable Urban Drainage Systems.
- 172 Biodiversity enhancements on Site will include areas of enhanced grassland; new ponds, swales, and wetlands; enhanced woodland and new areas of planting; and habitat creation including new hedgerow and meadows.
- 173 Loss of open space

- 174 Policy GI2 of the ADMP states that proposals for built development on redundant school playing fields in the Green Belt, other than for essential facilities for outside sport and recreation will be refused.
- 175 This site forms part of, or constitutes a playing field as defined in Article 16(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 if the land has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2ha or more, or that it is on land allocated for the use as a playing field in a development plan or in proposals or such a plan for its alteration or replacement.
- 176 The proposed development will be constructed on the former school buildings. Irrespective of this, Eden Valley School has been demolished for many years and part of the site is now occupied by residential dwellings. Despite some of the land under the 2012 planning permission was left by planning condition as open for community use, there are no existing or maintained playing pitches and the land is not allocated as a playing field in any adopted or emerging planning policy documents. As such, the proposed development would not conflict with Policy GI2 of the ADMP. The Proposed Development does not conflict with Policy GI2.
- 177 Notwithstanding the above, part of the Eden Valley School site has now returned to amenity land/open space/scrubland. Condition 12 of planning permission reference 12/00362/CONVAR identified land to be retained and open for the community use at all time for recreation purposes. This proposal proposes development on a portion of identified land that has been protected by condition 12 of the 2012 permission.
- 178 Consideration has been given to the extant s106 agreement and planning conditions of the former 2012 permission. The application drawings showed an area of land edged blue. This was land which did form part of the school playing fields was also under the control of Kent County Council at the time of the applications but was outside of the redline boundary of the application and falls outside of the defined site of the s106 agreement. However, as previously noted, the 'blue' land where subject to a number of planning conditions on the various permissions relating to its use and maintenance as recreational land.
- 179 Condition 12 stated that the within the blue line shall be retained and open for the community to use at all times by Kent County Council for recreation Purposes. Condition 32 related part of the site to be used as nature area and managed in accordance with previously approved details. Condition 36 relates to the long-term maintenance of the land contained in the blue line boundary of the site (with the exception of the Managed Nature Area) which is to be retained for community use for recreation purposes in perpetuity in accordance with previously approved details (11/00741/DETAIL). Condition 39 stated that any events held at the Community Centre (Eden Centre), the overflow car parking spaces (land within this site) shall be made available to those members of the public attending the event. Although there are

conditions attached to the 2013 permission, it is clearly established in law that it is possible for any number of planning permissions to exist in relation to an area of land and the fact that a later permission may be incompatible with a previous permission does not render it invalid or unlawful provided that it has been granted lawfully.

- 180 If the Council were to be minded to approve this application, there could be possible conflict with breach of conditions of no. 12 and 39 of the 2012 planning permission. However, this land has been used for open recreation purposes. That said, if this application were to be successful, it would overwrite the conditions of the previous permissions as it would a start of a new 'planning chapter' on the land affected. It is also considered that that a significant proportion of the land will remain as informal open space/available for public recreation and also that further provision of other open space and community and recreational facilities within the proposed development. This will mitigate the loss of part of the previously identified 'Blue Land' for the housing and estate roads.
- 181 In terms of the current use of the site as amenity land/open space, the Open Spaces Study (2017-18) indicates good coverage of amenity greenspace within this part of Edenbridge and a district-wide oversupply in this type of open space. In addition, this site has not been identified in the Council's Open Space Study (2017-18) evidence base and there is good coverage of existing amenity greenspace in this area of Edenbridge. The proposed scheme would incorporate elements of open space and would link with wider Green Infrastructure proposals beyond the site. It is noted that the scheme is not strictly in accordance with Policy GI2 (loss of open space), but the amenity space is surplus to requirements and the proposed scheme does offer green open spaces elsewhere within the development.
- 182 In summary, it has been demonstrated both sequentially and the need for the development and the lack of alternative sites has led to this scheme being advanced. There is an identified need for the provision of housing/community facilities would secure long-term provision of these facilities and the ability to cope with future demand/projected population forecasts. It can also be demonstrated that this site can in part retain and deliver further open spaces within the site as a whole together with play spaces which will benefit the future occupants of the site as well as the wider community. Whilst there would be conflict with conditions of previous planning permissions, the ability to allow further development would not be prejudiced by any future permission and the issue of any new permission is to be implemented alongside and in conjunction with the schemes authorised under the 2012 permission and the 2019 planning permission for the medical centre. Furthermore, the changes to the open space area, it is considered that the three developments are considered compatible and complimentary and are not considered alternatives to each other.

183 Prematurity

184 There can be no argument that the application is premature to either the emerging plan as previously mentioned. The NPPF provides at paragraph 49 that prematurity will be unlikely to provide a reason for refusal other than in the limited circumstances where both of two circumstances apply:

- a) That the development is so substantial or its cumulative effects would be so significant that to grant permission would predetermine decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan.

185 Neither of these conditions are met. The proposal relates to one site on the edge of an existing settlement and seeks planning permission for 46% of houses for the District's one year housing requirement. Neither a review of the emerging Local Plan nor its allocations can be said to be at an advanced stage and no draft policies have been examined or reported upon.

#### **Housing Density, Mix and Affordable Housing**

186 Housing Density

187 The NPPF states at paragraph 124 that planning decisions should support decisions that make efficient use of the land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services- both existing and proposed, as well as their potential for future improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change, and; e) the importance of securing well-designed, attractive and healthy places.

188 Policy SP7 of the Core Strategy refers to housing densities in the District, in summary, seeks a density of 30 dwellings per hectare ("dph") in Sevenoaks and Swanley town centres; 40 dph in urban areas of Sevenoaks, Swanley and Edenbridge, and 30 dph in other settlements in the District. SP7 also reiterates that developments should make efficient use of land for housing, having regard to the character and location of the area.

189 Subject to consideration of the implications of the density on issues such as character, transport, the proposed density is considered acceptable in this instance and compliant with the aims of the NPPF and SP7 of the Core Strategy.

## 190 Housing Mix

- 191 Policy SP5 of the Core Strategy requires that new development contributes a mix of housing types, taking into account evidence the existing pattern of housing in the area, evidence of local need and site specific factors. At this time, the most up to date evidence of need for housing mix is described within the Strategic Housing Market Assessment (SHMA, 2015).
- 192 At this time, the proposed housing lies within the outline part of the application, and therefore the exact mix of housing sizes has not been established. This would be dealt with through any subsequent Reserved Matters applications.
- 193 The applicant in their Planning Statement has acknowledged the District's housing needs and that the development has the ability to contribute a mix of dwellings to reflect the District's need.

## Affordable Housing

- 194 The Core Strategy states that in the case of developments of more than 15 units, 40% of the total number of units should be affordable. It states that 65% of the affordable housing should be social rented.
- 195 The Council's Strategic Housing Market Assessment (SHMA) 2015 is the most recent study on housing demand in the District. This identifies a need for 24% of affordable homes to be intermediate and 76% to be social or affordable rent.
- 196 Policy SP3 of the Core Strategy has been found to be out of date due to more up to date national policy. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution of the site).
- 197 Paragraphs 66 and 67 of the NPPF refer to housing requirement figures and how this issue may be considered in areas where strategic policies for housing are out of date. In these circumstances, it states that considerations should take into account factors such as the latest evidence of local housing need, populations and the most recently available planning strategy for the area.
- 198 The 340 homes scheme has been made compliant, with a level of affordable housing expected under Policy SP3 of the Core Strategy. The scheme proposes a total of 136 homes to be available for affordable housing purposes with tenure split of 65% Affordable/Social Rent (88 homes) and 35% intermediate housing (48 homes). This supported by SDC Housing Officer.



- 199 Breaking this down further, the split of homes to be made available for affordable housing - 43no. x 1 bedroom, 46no. x 2 bedrooms, 37no. x 3 bedrooms and 10no. x 4 bedrooms. As highlighted by SDC Planning Policy team, this is a 'good' split in terms of meeting current housing needs and is supported.
- 200 The affordable housing on site will be secured by s106 agreement.

### **Green Belt implications**

- 201 The National Planning Policy Framework and in particular paragraph 137 makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics. It was common ground between the parties that the proposals represent inappropriate development as identified by the Framework. In terms of the five purposes of the Green Belt identified at
- 202 Paragraph 138 of the Framework, it was also common ground that the key tests in the context of these appeals are the effect on openness, encroachment and urban regeneration.
- 203 The application site comprises an open agricultural fields with a number of public footpaths which traverse the site. It is entirely free from built development. This proposal would introduce built development to the site in the form of 340 dwellings, a school with associated access roads and pavements, residential gardens, open space and driveways. The precise layout and form of the development would be determined at reserved matters stage. Even taking into account the potential for boundary treatment and landscaping which could include open green space and play space and could be integral to the layout of the residential development proposed, this would have the effect of a considerable reduction in the openness of the site. This, harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.
- 204 Given the above, the proposal is therefore inappropriate development within the Green Belt and is significantly harmful to the Green Belt.
- 205 Paragraph 149 of the NPPF sets out the uses for which the construction of new buildings in the Green Belt are not considered inappropriate, but the application proposal does not sit within any of these categories. This means that the proposed development would be inappropriate development in the Green Belt. In addition, by seeking to develop on what are currently open fields, the proposed development would also clearly have an adverse impact on the openness of the Green Belt.
- 206 With regard to development proposals affecting the Green Belt, paragraph 147 carries forward earlier national guidance, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is to be given to any harm to the Green Belt, with "very special circumstances" not

existing unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Therefore, it needs to be robustly demonstrated by the applicant that the proposed residential development to include affordable housing, the school, and other development all outweigh harm to the Green Belt and any other harm in a very special circumstances case (VSC) case. Their VSC case is considered in more detail below.

### **Impact upon the character and appearance of the area**

- 207 The site is not within a valued national or local landscape designation, and the closest landscape designation is some 2.5km away. Therefore, at a local level, there are no local landscape designations which apply.
- 208 The site relates closely to the existing settlement of Edenbridge. The Site is not remote countryside and its character is influenced by its proximity to adjacent residential development at Four Elms Road, Bray Road, and the Eden Centre.
- 209 Existing trees and hedgerow along the southeast side of Four Elms Road are in places limited in height and density of planting, including some gaps along the road frontage. There are some obvious visual linkages between the existing built-up area, across Four Elms Road and to the application site. To the east and south of the Site there are substantial and dense tree belts which assist in screening the site from wider and longer distance views. This feature serves essentially to separate the site from the more open countryside beyond.
- 210 This Application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA concludes that the development would have a "very slight adverse effect" on the overall landscape character of the area. This is primarily as a result of the permanent change of land use from an agricultural fields to a development site comprising residential and community uses. Given that the site is located immediately adjacent to an existing built up urban area, it is concluded that the effect of this change would be minimal and localised.
- 211 Visual impacts from the public footpaths crossing the site itself would be "significant" changing the experience of the user. However, these paths extend from and towards the existing urban area, so the user already experiences the built up area within view. The overall visual effects of the development are considered to be limited as the proposal would have minimal effect on views from the majority of the surrounding landscape.
- 212 It is considered that the scheme as a whole seeks to respond to the local context by retaining existing vegetation where possible and proposes new tree and hedge planting to assist in integrating and screening the development in the longer term.

- 213 Whilst inevitably there will be change to the local character of the area as a result of development on this site, it is considered that the development would integrate well with the existing townscape character and would not harm the character of the wider landscape. It would be seen against the backdrop of the existing urban area of Edenbridge and the local landscape has capacity to accommodate the proposed development whilst avoiding any significant adverse residual effects upon its character and value.

### **Transport and Highways Implications**

- 214 The NPPF states within paragraph 111 that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 215 Paragraph 110 sets out criteria for assessing sites, including specific allocations for development. Para 110(d) states that decisions should ensure that:

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

- 216 Location/Accessibility

- 217 The southern boundary of the site is within a 0.6km (7 minute) walking distance of Edenbridge High Street, which offers a wide range of services for the day to day needs of residents. Other facilities close to the Site include the Eden Centre, which accommodates community facilities including Edenbridge Library. There are also employment opportunities provided at the neighbouring business parks at Fircroft Way, Commerce Way and Enterprise Way, as well as further retail units provided on Fircroft Way including a Lidl store and a convenience store.

- 218 Edenbridge Town Railway Station is located to the immediate south-west of the site.

- 219 Edenbridge Railway Station, located to the north of the town, is within a 1km (12 minute) walking distance of the Site. The two railway stations provide a good level of direct connection into London and other nearby Towns.

- 220 The closest bus stops to the site are located on Four Elms Road, adjacent to Fircroft Way. The local bus services provide connection to several destinations, including a good level of service to Tunbridge Wells, with 3 services per hour provided during the peak periods.

- 221 Site Access

- 222 The current application seeks to make a new primary access is proposed from Four Elms Road, with a secondary access proposed through the recently approved NHS site (planning permission reference: SE/19/01682/FUL). An amendment to the approved layout of the NHS Medical Centre Site would be necessary and is covered by Condition 23 of 19/01682/FUL.
- 223 In addition, to the above, an emergency access is proposed to the south west of the site connecting to an existing road bridge. This access would be used for emergency vehicles and the existing/proposed allotments.
- 224 KCC Highways have confirmed that for a development of this scale, two access points are required. The Highways Authority have stated that they would recommend refusal if only one access were proposed for the site as this has safety implications and provides highway resilience if an incident were to take place on the main access.
- 225 A suite of improvements are recommended to the Four Elms access. These are supported by the Highways Authority and the applicant proposes the following:
- Priority controlled T-Junction on Four Elms Road;
  - Re-location of existing bus stops on Four Elms Road;
  - 2m wide footways to adjoin existing footpaths;
  - Proposed dropped kerbs;
  - Use of tactile paving on adjacent footpaths to Fircroft Way junction;
  - Four Elms Road is subject to a 30mph limit and the applicant proposes to extend the 30mph limit further east in order that it encompasses the new site access. This would require a Traffic Regulation Order which would be pursued by the applicant.
- 226 The above works, with the exception of any visibility splays, would be secured through a Section 278 Agreement, under the Highways Act 1980. This is an agreement with the Highways Authority to carry out the works on the public highway. The Section 106 agreement would require that the developer enter into such a S278 agreement.
- 227 Further to the above, the applicant has also demonstrated the feasibility of both expanding the secondary school from 4FE to 6FE and its impacts upon the road network and for the provision of a zebra crossing on Four Elms Road as an result.
- 228 It needs to be remembered that this is an outline planning application and the current masterplan as submitted is just indicative in terms of the internal layout. However, it is considered that the current layout demonstrates how either a 4FE or 6FE school can be accommodated and that the local transport network would be able to accommodate either a 4FE or 6FE school without there being a severe impact.

- 229 Similarly, although subject to the school coming forward, it has been demonstrated how a zebra crossing would be fully compliant with the design standards set out within Chapter 6 of the Traffic Signs Manual can be delivered on Four Elms Road and the developer is willing to commit to this.
- 230 Subject to the above measures and mitigations being secured by conditions and the Section 106 agreement, the proposed use of the primary and secondary accesses, is considered acceptable and would preserve highway safety, compliant with the aims of the NPPF and Policy EN1 of the ADMP.
- 231 Trip Generation and Distribution
- 232 Arising from the above assessments, the applicant has prepared highway impacts assessments, which account for a period to 2025 in line with the previously emerging Sevenoaks Local Plan period.
- 233 The results for the assessment indicate all arms would operate within capacity in 2025 with full development scenario and would not cause an adverse impact to the road network. As such, KCC Highways do not object on this ground. Taking this into account, it can be concluded that the impact, in terms of the NPPF test, is not therefore severe.
- 234 Pedestrian links
- 235 In terms of pedestrian movements, the site is located in a sustainable location being located within walking distance of two stations and the Town Centre. New footways and cycleways are proposed and these can be included in a S278 Agreement to be delivered by the developer.
- 236 Pedestrian access to the eastern platform at Edenbridge Town station and improvements to the Public Right of Way (PRoW) east to west across the site from the Railway Cottages to Skinners Lane to allow all-weather use are also welcomed. The applicant has agreed to contribute £40k for improvements to the sections of Public Right of Way of SR603 and SR604 adjoining the site and linking to the land.
- 237 A new footway/cycleway from station is proposed and this and the PRoW links to and from it should be a minimum of 3m wide.
- 238 A pedestrian/cycle route is also available from Forge Croft which will also be used as an emergency access.
- 239 In terms of the PRoW comments, they have suggested that a diversion order of the PRoW may be required. However, as this is facilitated by another legislative provision and as that this application is outline only. So a precautionary condition can be used and allows the condition to be discharged if a Diversion Order would not be necessary.

## 240 Travel Plan

241 A travel plan for the site would be secured by the S106 for both the new houses and educational uses. This is required to reduce the dependency of future users of the site on the private car. The Highways Authority have commented that this must include objectives and modal split targets, a programme of implementation and provision for monitoring, review and improvement. It should include: realistic alternatives to the private car, including the demand responsive transport service and diversion of bus route into the site; parking management strategy; cycle parking; appointment of a Travel Plan Coordinator and monitoring fees. Consideration of car clubs and electric bike hire should be included.

## 242 Construction Impacts

243 It is acknowledged that the construction process would impact on the local road network. At the request of the Highways Authority a Construction Management Plan is recommended to be secured by condition relating to each phase of demolition and construction. This should include details including routing of vehicles to the site, employee parking, delivery vehicle unloading and turning, wheel washing and any requirements for traffic management.

## 244 Waste Collection

245 Sevenoaks Council Direct Services team have raised concerns for the ability of the internal access roads to accommodate HGV waste vehicles. As these elements are only submitted in outline at this stage, this matter would be addressed at the reserved matters stage when the details of the site layout and appearance are submitted.

246 Conclusion on transport and highway implications.

247 The impact on highway safety would not be severe as a result of this proposal and any significant impacts could be mitigated to an acceptable degree. The proposal would therefore comply with local and national policy.

## Biodiversity

248 At a local level policy SP11 of the Core Strategy seeks to ensure that the biodiversity of the district will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. The NPPF (paragraph 174) also states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Paragraph 174(d) states that decisions should minimise impacts on and provide net gains for biodiversity.

249 Ecological surveys have been carried out and identified the following:

- Seven species of bats utilising the site for foraging/commuting.
- Three species of reptile, including an 'exceptional population' of slow worms.
- Great Crested Newt presence in two ponds on-site.
- An outlier badger sett.
- Breeding birds (with some species of conservation concern).
- Degradation to key ecological features, such as ponds and woodland.

- 250 KCC Ecology have advised that proposed mitigation measures are finalised and submitted for approval before any works commencing as the exact design details are not known at this stage and, therefore, a detailed mitigation strategy will need to be produced and implemented. This can be secured by condition.
- 251 Further to the above, as with mitigation measures at the construction stage, a detailed 'Landscape, Ecology, Management and Monitoring Plan' (LEMMP) will need to be produced once the final design is confirmed and submitted with the reserved matters application(s) to ensure biodiversity net-gain can be delivered to which an increase of 10% of biodiversity net gain is expected.
- 252 Conditions are therefore recommended to ensure that with each Reserved Matters application, a detailed Landscape and Ecology Management and Monitoring Plan (LEMMP) should be provided.
- 253 Comments from the Kent Wildlife Trust have been considered and that the development can now deliver the appropriate expected 10% biodiversity net gain.
- 254 Lighting
- 255 Sensitive external lighting would be required on the site to ensure that it does not cause detriment to diversity including commuting and foraging bats and badgers. Indicative details of a lighting strategy have been submitted and will be used as a framework for the submission of further lighting details.

### **Residential Amenity**

- 256 The impact on individual neighbouring properties, in terms of privacy, natural light and visual intrusion, would be assessed in full at the time of the reserved matters applications when the exact locations of the new built forms would be presented. The detailed part of the current application, for which we know the locations and sizes of the built forms, is located centrally on the site and would have a minimal impact on any existing dwellings neighbouring the site.

- 257 SDC Environmental Health have reviewed the submitted documentation including acoustic/vibration assessment, and has raised no objection to the development on this ground.
- 258 Issues relating to the quality of the proposed accommodation and the amenities of future residents would also be considered further at Reserved Matters stage. The site is considered capable of delivering a good standard of accommodation for its future residents.
- 259 Disturbance may occur to a degree during the construction process, however this would be for a limited period. A condition is recommended to secure a Construction Environmental Management Plan for each phase which would include measures to preserve both highway safety and residential amenity, in order to comply with policies EN2 and EN7 of the ADMP.

### **Archaeology**

- 260 The Archaeology Officer at KCC considers that although there are some heritage concerns in terms of the level of information submitted in regard to archaeology on the wider site, the necessary further assessments can be undertaken prior to the works on the phases of the development. A condition has been recommended to ensure appropriate consideration of the archaeological landscape and its protection during each phase of development, in accordance with policy EN4 of the ADMP.

### **Air Quality**

- 261 It is accepted that the development would have a negligible impact on local air quality and that the effect of the development would not be significant and that no further mitigation measures are required in order to make the site suitable for the proposed uses. As Environmental Health agree with these conclusions in the application documents, it is not considered reasonable that further mitigation be secured in this instance. The Environmental Health Officer has questioned whether the development would include electrical vehicle charging points, these would be secured by condition and details submitted at a later stage.

### **Flooding and Drainage**

- 262 The Application Site is located in Flood Zones 1, 2 and 3 according to the Environment Agency's Flood Map for planning. Hydraulic flood modelling has been undertaken in support of this Application, and the findings are set out in the submitted Flood Risk Assessment. The modelling takes account of climate change in line with best practice.
- 263 Whilst the whole site contains areas which fall within flood zones 2 and 3, the Illustrative Masterplan proposes to locate the built development entirely within Flood Zone 1, which follows the NPPF's sequential approach to locating vulnerable development to the areas at the lowest risk of flooding.



Notwithstanding this, the Sequential Test had been undertaken by the Council through the preparation of the emerging Local Plan. It is therefore not necessary to submit a sequential test with this application.

- 264 Kent County Council, as the Lead Local Flood Authority (“the LLFA”) and the Environment Agency have both been consulted on the proposal and both the Environment Agency and LLFA raise no objections.
- 265 In light of the intended phasing and timescales for the development, a drainage strategy be submitted for each phase, to be compliant with the site wide strategic drainage strategy, so that it can be confirmed that each catchment operated appropriately.
- 266 The Environment Agency have also requested conditions relating to the mitigation measures as informed by the Flood Risk Assessment to ensure to ensure that the development would not be at unacceptable risk from, or be adversely affected by flooding.

#### Other Issues

- 267 Utilities
- 268 A utilities assessment has been submitted with the application. It identifies that the development would use the existing foul sewerage network as it has sufficient capacity to service this development and no off-site work is necessary. In terms of electricity, it will be necessary to divert the existing high voltage overhead lines crossing the site as part of the development. Two substations will be required to serve the development. There is a gas and water supply in the area with sufficient capacity to supply the development. Further to this, there is broadband available in the area, a Fibre to the Premise connection will be installed and this can be secured by condition.
- 269 Odour
- 270 Odour Impact Assessment has been undertaken by Isopleth Ltd given the proximity of the site to the Southern Water Wastewater Treatment Works (WwTW). The Odour Assessment recommends that dwellings are located beyond the 5-year average 3.0 ouE/m<sup>3</sup> isopleth. The Illustrative Masterplan demonstrates that this can be achieved as reflected by the Site Setting and Odour Impact Analysis.
- 271 The Odour Assessment notes that on occasion it is likely that odour could be detected on site, but this is unlikely to be at a level whereby it would give rise to a statutory nuisance. As such, it is considered that odour would not pose a constraint to development. The Environmental Health Officer has raised no objection.

- 272 Notwithstanding this, meetings have been held between Southern Water and the consultant team to discuss the odour modelling and the options for odour management. In January 2020, an application under was submitted to Southern Water.
- 273 To reduce the impact of odour across the area, a number of solutions could be implemented to avoid odour at source. Such solutions proposed through the s185 application of the Water Industry Act include installing a cover over the raw sludge holding tank and open storage skips. An odour control unit would be necessary to prevent the build-up of gases.
- 274 Other matters raised by representations by third parties have been considered as part of this determination of this application and where appropriate have been addressed in the preceding paragraphs. Issues relating to setting a precedent and de-valuing existing properties within the locality are not planning issues that justify a reason to raise an objection to the development.

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

- 275 The development would be liable for CIL and the extent of CIL liability would be determined at the Reserved Matters stage, once the liable floorspace were established. This is as required by the CIL regulations. CIL contributions are intended to fund infrastructure to help support development. Infrastructure providers would be able to bid for funds in line with the Council's existing CIL spending procedures. As Sevenoaks District Council is a CIL charging authority, it would not be reasonable to secure other financial contributions for infrastructure.

### **Planning Balance**

- 276 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.
- 277 There is no dispute that the application proposal would be inappropriate development in the Green Belt, nor is there any dispute that the proposal would have an adverse impact on the openness of the Green Belt. Therefore, the tilted balance of paragraph 11(d) of the NPPF is not engaged.
- 288 Instead the balancing of this application, we will be look at paragraphs 147 & 148 of the NPPF, where planning permission should not be granted unless a case of very special circumstances can be demonstrated.
- 289 We are required to "*ensure that substantial weight is given to any harm to the Green Belt.* 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any

other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 290 Therefore we will look in detail for a number of factors that would potential weigh in favour of the scheme as a case of very special circumstances.

### **Emerging Local Plan**

- 291 The application site formed part of a mixed use allocation in the Council Proposed Draft Submission Local Plan, prior to be stopped at the Examination stage. The proposed allocation was to release the site from the green belt for development under a case of exceptional circumstances, due to needing to meet housing demands, but also providing a health centre and safeguarding land for a secondary school. The release of this site was linked to the Council’s development strategy of releasing green belt sites for development where they were adjacent of one of its four main settlements and where they were poorly performing green belts and would provide existing identified infrastructure provision.
- 292 Whilst it is fully acknowledged the Proposed Draft Submission Local Plan holds very limited weight, the principle of only releasing poorly performing green belt sites for housing adjacent to a main settlement in order to provide much needed infrastructure holds some weight.

### **Five-Year Housing Supply**

- 293 It is fully accepted that the Council does not have an up to date Local Plan and does not have an adequate five-year housing supply. Whilst the Council’s has a Housing Delivery Test Action Plan to tackle the under supply of housing, part of that reliance will be adoption of a Local Plan, which will not come forward until 2023. This site has the ability achieve a significant contribution towards the District’s housing requirement with limited impact upon on the Green Belt.
- 294 The Council’s housing situation has been described in previous appeals as “acute” and “chronic”, with the Council only able to demonstrate a current supply of deliverable housing land of less than 2.6 years, very substantial weight to the provision of 340 new houses in the current proposal. Further to this, very substantial weight to the proposed delivery of 40% affordable housing on this site, for reasons set out earlier. Therefore the under provision of housing supply holds substantial weight, albeit it does not outweigh the harm to the green belt on its own.

### **Biodiversity**

- 295 The development would have no adverse impact on matters of ecological or nature conservation interest but would, instead, actually result in a net benefit for biodiversity to which limited weight can be attached.

## **Secondary school**

- 296 There is a need for additional secondary school spaces in the town in the future, and by facilitating the delivery of a new secondary school, the application proposal would address this future need, and would also satisfy the secondary education demand likely to arise from the development itself. Moreover, no other site has been identified to potentially deliver a new secondary school. This factor should be given significant weight in the proposal's favour.

## **Medical centre**

- 297 In terms of the medical centre provision, even though this was determined under a different planning permission, a significant contribution (in excess of £400k) was made by the landowner (Cooper Estates) to the KCC enable the land associated with the medical centre application to be sold to the National Health Service to facilitate the development. It was originally envisaged for the medical centre to be incorporated with this planning permission, however the NHS wanted to advance the development to ensure funding for the development could be secured. Both the medical centre and this proposal have been designed to link together. Whilst planning permission is already been granted, very limited weight can be attributed to the connections between the two sites.

## **Highways**

- 298 In traffic and transport terms, it is acknowledged that there would be increased traffic on the local highway network, and an increased demand for parking. Having had regard to the proposed contributions towards various junction improvements, and the TRO review, it is concluded on this consideration is that there would be no materially adverse impact on traffic, transport, parking and safety matters. With this fairly neutral conclusion, it is not considered that these points add any weight in support of the proposal.

## **Accessibility to sustainable transport**

- 299 The proposal would seek to significantly improve the accessibility to the Edenbridge Town train station, through providing parking spaces to the northern platforms, which currently has no level access, as it is only accessible via steps down and up via an underpass. The proposal would also contribute one million pounds to Network Rail safe access across an existing level crossing and other improvements for accessibility to the train stations in Edenbridge was identified under the Sevenoaks Infrastructure Delivery Plan and therefore these works and contributions would hold significant weight.

## **Economic and social benefits**

- 300 The proposal would, however, clearly satisfy the economic and social objectives of sustainable development. Some of the matters that make up these objectives, such as the delivery of market and affordable housing have already been accounted for. However, there are other areas of benefit, not specifically included above, such as the detailed economic benefits which would arise in terms of new jobs; a significant amount of “first occupation expenditure” and additional local expenditure, Council Tax payments, and CIL payments. It should be noted that the scheme will provide a dual use scout hall and allotments. These matters add limited weight in support of the application proposal.
- 301 Therefore after balancing all these various factors against the substantial to the harm to the green belt, it is considered that a case of very special circumstances exists in supporting this scheme given in will clearly provide evidenced and required infrastructure to meet the needs of Edenbridge going forward.

## **Conclusion**

- 302 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 111.
- 303 In summary, although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on openness, it is considered that that this can be clearly outweighed by the significant and in some regards unique benefits of the application proposal, as detailed above. As such, it is concluded that very special circumstances exist, which would justify this development in the Green Belt.
- 304 It is recommended that the application be approved and planning permission be GRANTED subject to the referral to the Secretary of State, the conditions and legal agreement detailed above

## **Background papers**

Site and block plan

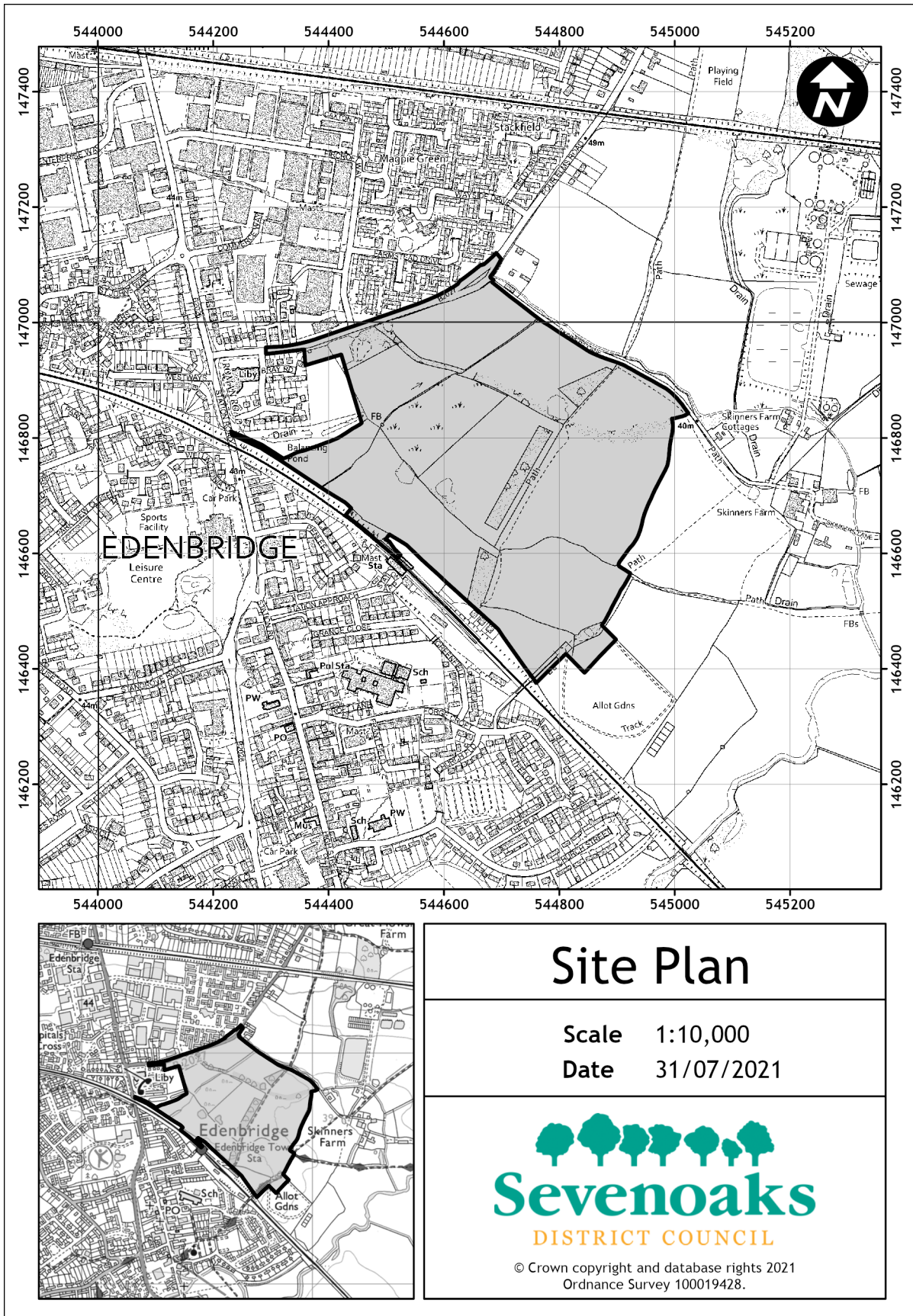
Contact Officer(s):

Sean Mitchell: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:10,000  
 Date 31/07/2021



© Crown copyright and database rights 2021  
 Ordnance Survey 100019428.

BLOCK PLAN

